

## APPENDICES

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MONTGOMERY COUNTY CODE  
The Charter

CHARTER  
OF  
MONTGOMERY COUNTY, MARYLAND

*Preamble*

We, the people of Montgomery County, Maryland, a body corporate and politic, under the Constitution and general laws of the State of Maryland, do adopt this Charter as our instrument of government.

**ARTICLE 1. LEGISLATIVE BRANCH.**

**Sec. 101. County Council.**

All legislative powers which may be exercised by Montgomery County under the Constitution and laws of Maryland, including all law making powers heretofore exercised by the General Assembly of Maryland but transferred to the people of the County by virtue of the adoption of this Charter, and the legislative powers vested in the County Commissioners as a District Council for the Montgomery County Suburban District, shall be vested in the County Council. The legislative power shall also include, but shall not be limited to, the power to enact public local laws for the County and repeal or amend local laws for the County heretofore enacted by the General Assembly upon the matters covered by Article 25A, Annotated Code of Maryland, 1957, as now in force or hereafter amended, and the power to legislate for the peace, good government, health, safety or welfare of the County. Nothing herein contained shall be construed to authorize or empower the County Council to enact laws or regulations for any incorporated town, village or municipality in said County on any matter covered by the powers granted to said town, village or municipality by the act incorporating it or any subsequent act or acts amendatory thereto.

Editor's note—The authorization of a road project is an executive rather than a legislative administrative act. Eggert v. Montgomery County Council, 263 Md. 243, 282 A.2d 474 (1971).

**Sec. 102. Composition and Election.**

The Council shall be composed of nine members, each of whom shall be a qualified voter of Montgomery County. Four Councilmembers shall be nominated and elected by the qualified voters of the entire County. Each of the five other members of the Council shall, at the time of election, reside in a different Council district, and shall be nominated and elected by the qualified voters of that district. No member of the Council shall hold any other office of profit in state, county or municipal government. No member of the Council shall be eligible for appointment during the member's term of office to any other office or position carrying compensation created by or under this Charter, except to County Executive in the event of a vacancy. (Election of 11-2-82; election of 11-4-86; election of 11-3-98.)

MONTGOMERY COUNTY CODE  
The Charter

**Sec. 103. Council Districts.**

Montgomery County shall be divided into five Council districts for the purpose of nominating and electing five members of the Council. Each district shall be compact in form and be composed of adjoining territory. Populations of the Council districts shall be substantially equal. (Election of 11-3-98.)

**Sec. 104. Redistricting Procedure.**

The boundaries of Council districts shall be reviewed in 1972 and every tenth year thereafter. Whenever district boundaries are to be reviewed, the Council shall appoint, not later than February 1 of the year before the year in which redistricting is to take effect, a commission on redistricting. The Commission shall be composed of four members from each political party chosen from a list of eight individuals submitted by the central committee of each political party which polled at least fifteen percent of the total vote cast for all candidates for the Council in the last preceding regular election. Each list shall include at least one individual who resides in each Council district. The Council shall appoint one additional member of the Commission. The Commission shall include at least one member who resides in each Council district, and the number of members of the Commission who reside in the same Council district shall not exceed the number of political parties which submitted a list to the Council. The Commission shall, at its first meeting, select one of its members to serve as its chair. No person who holds any elected office shall be eligible for appointment to the Commission.

By November 15 of the year before the year in which redistricting is to take effect, the Commission shall present a plan of Council districts, together with a report explaining it, to the Council. Within thirty days after receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If within ninety days after presentation of the Commission's plan no other law reestablishing the boundaries of the Council districts has been enacted, then the plan, as submitted, shall become law. (Election of 11-2-82; election of 11-3-98.)

**Sec. 105. Term of Office.**

Members of the Council shall hold office for a term beginning at noon on the first Monday of December next following the regular election for the Council and ending at noon on the first Monday of December in the fourth year thereafter.

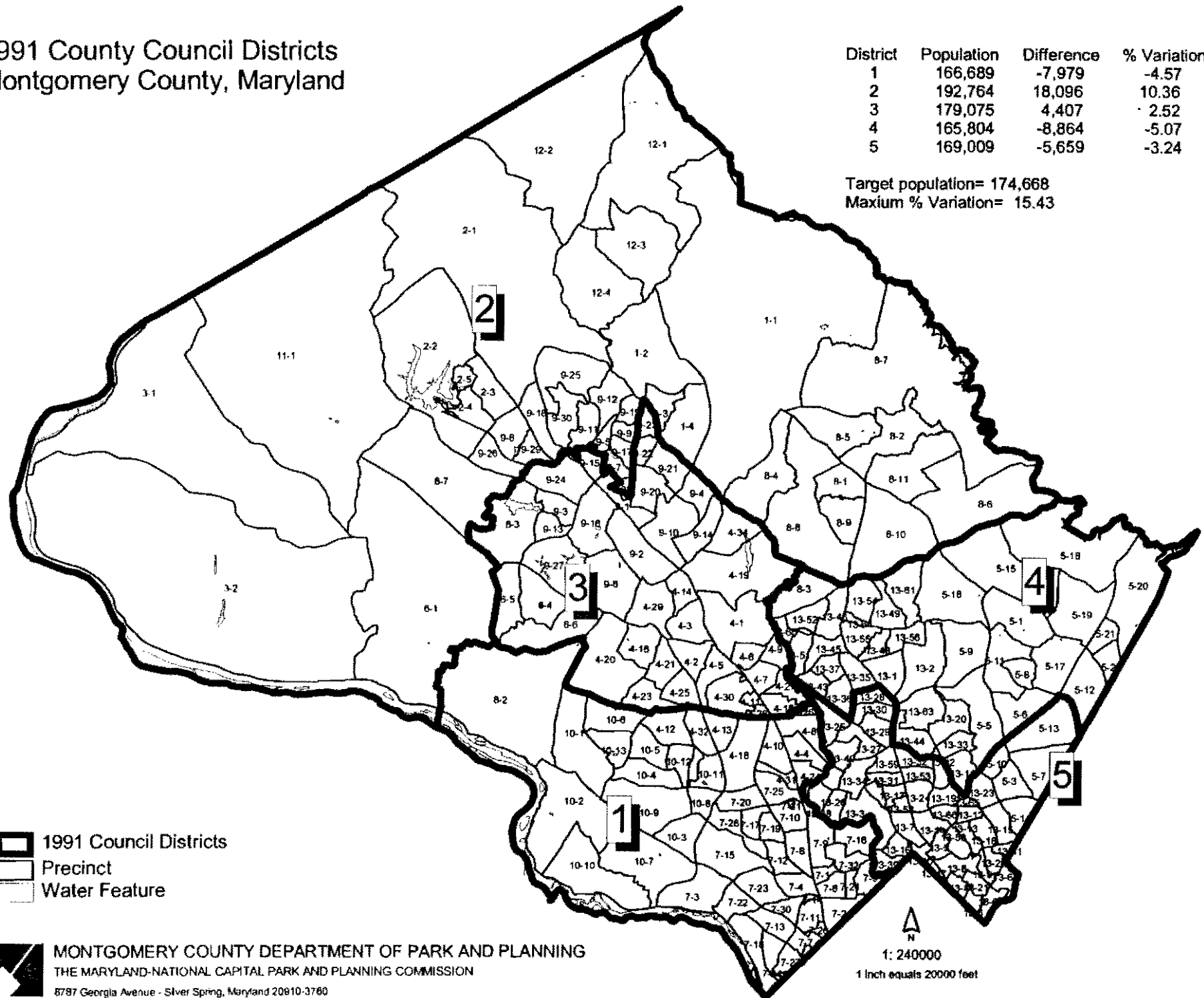
**Sec. 106. Vacancies.**

A vacancy shall occur when any member of the Council shall, before the expiration of the term for which the member was elected, die, resign the office, become disqualified for membership on the Council, or be removed from office. Unless the Council has provided by law for filling a vacancy by special election, the following process for filling a vacancy shall apply. When a vacancy has occurred, a majority of the remaining members of the Council shall appoint a person to fill the vacancy within thirty days. An appointee to fill a vacancy, when succeeding a party member, shall be a member of the same political party as the person elected to such office at the time of election. If the Council has not acted within thirty days, the County Executive shall appoint a person to fill the vacancy within ten days.

# 1991 County Council Districts Montgomery County, Maryland

District	Population	Difference	% Variation
1	166,689	-7,979	-4.57
2	192,764	18,096	10.36
3	179,075	4,407	2.52
4	165,804	-8,864	-5.07
5	169,009	-5,659	-3.24

Target population= 174,668  
Maximum % Variation= 15.43



**1991 County Council Districts  
2000 Population, Racial, and Hispanic Data  
Montgomery County, Maryland**

1991 Council District	2000 Population												
	Total Population	Percent of Total Population	Difference From Ideal (174,668) <sup>1</sup>	Percentage Variation from Ideal	Race					% Two or More Races	% Hispanic or Latino <sup>5</sup>	Minority <sup>6</sup> Pop %	
					Single Race Specified <sup>4</sup>			% Other Race					
					% Black or	% Asian &	% Pacific Is.						
					% White	African Am.							
District 1	166,689	19.1%	-7,979	4.6%	83.5%	3.4%	9.5%	1.4%	2.2%	5.7%	34,687	20.8%	
District 2	192,764	22.1%	18,096	10.4%	72.4%	12.7%	8.8%	3.1%	3.0%	7.4%	60,486	31.4%	
District 3	179,075	20.5%	4,407	2.5%	62.2%	11.2%	17.0%	6.1%	3.6%	13.3%	78,893	44.1%	
District 4	167,556	19.2%	-7,112	-4.1%	54.0%	23.5%	13.2%	5.7%	3.6%	11.5%	85,166	50.8%	
District 5	167,257	19.2%	-7,411	-4.2%	51.0%	25.5%	8.2%	10.5%	4.8%	20.2%	94,791	56.7%	
Total	873,341	100.0%			64.8%	15.1%	11.3%	53.0%	34.0%	11.5%	354,023	40.5%	

**Maximum % Variation: <sup>2</sup> 15.0%**

**Average % Variation: <sup>3</sup> 5.2%**

<sup>1</sup> **Hypothetical ideal district population** is the total County population divided equally among the five Council Districts. Using this formula each district will have an ideal population of 174,668.

<sup>2</sup> **Maximum percentage variation** is the sum of the absolute value of percentage variation for the two districts which are the most over-represented and most under-represented.

<sup>3</sup> **Average percentage variation** is the sum of the absolute value of each district's percentage variation from the ideal divided by the number of districts (5).

<sup>4</sup> For the first time, individuals could choose more than one racial category in the 2000 U.S. Census.

<sup>5</sup> People of Hispanic or Latino origin may be of any race.

<sup>6</sup> Minority population includes 1) Hispanics or Latinos, 2) individuals specifying a single race group either Black or African American, Asian, Pacific Islander, or some other race, and 3) anyone choosing any multi-racial category.

**Source: 2000 Census Redistricting Data, (Public Law 94-171), U.S. Census Bureau; Research & Technology Center, Montgomery County Department of Park & Planning, M-NCPPC (10/3/01).**

**2000 Precinct Population by 1991 County Council Districts  
Montgomery County, Maryland**

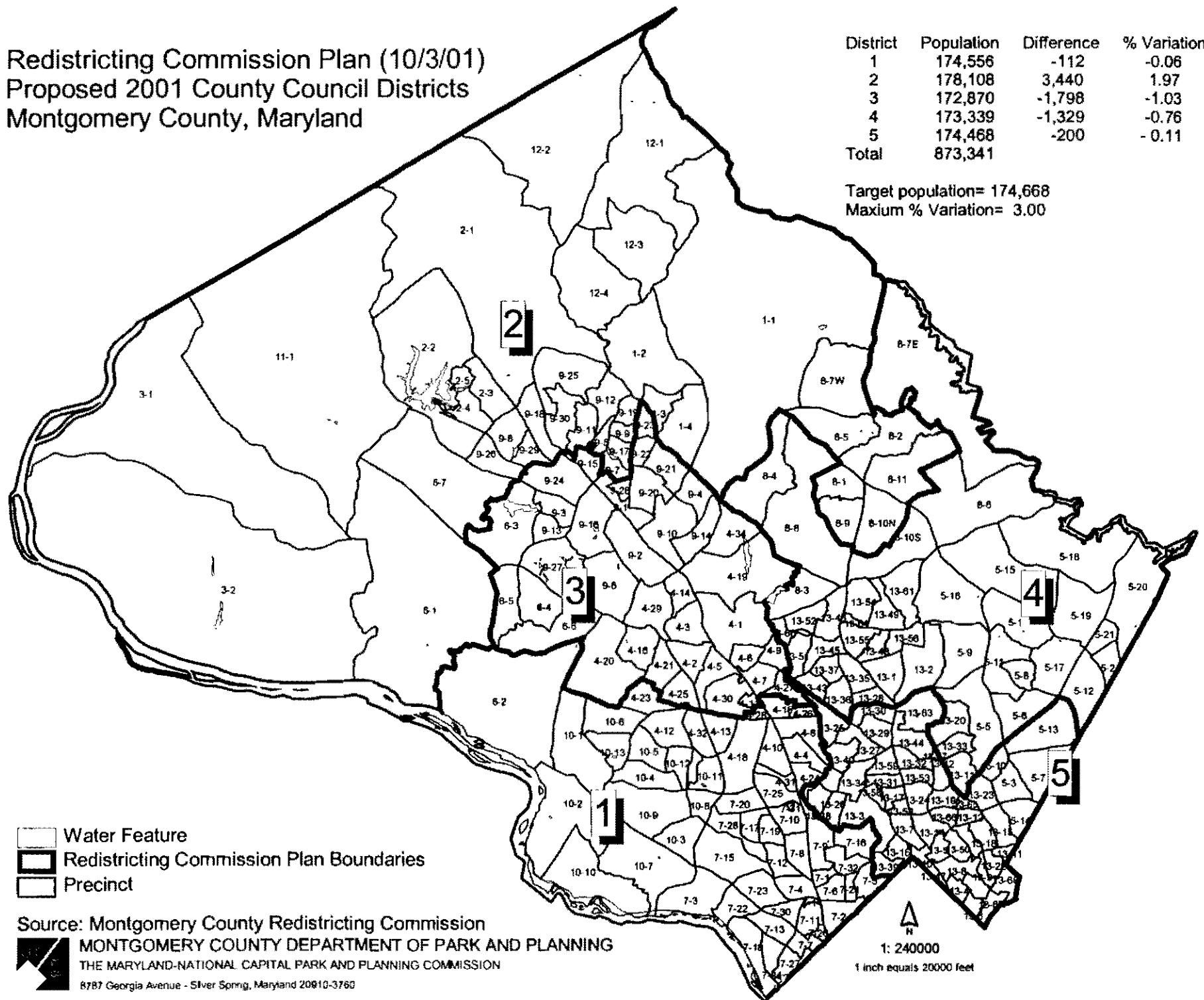
<b>1991 County Council Districts</b>									
<b>District 1</b>		<b>District 2</b>		<b>District 3</b>		<b>District 4</b>		<b>District 5</b>	
<b>Precinct</b>	<b>Population</b>	<b>Precinct</b>	<b>Population</b>	<b>Precinct</b>	<b>Population</b>	<b>Precinct</b>	<b>Population</b>	<b>Precinct</b>	<b>Population</b>
04-004	2,610	01-001	5,736	04-001	5,640	05-001	4,998	05-003	2,481
04-008	4,123	01-002	4,422	04-002	3,613	05-002	4,517	05-007	1,339
04-010	6,080	01-003	4,389	04-003	4,345	05-005	4,914	05-010	4,002
04-012	4,479	01-004	5,379	04-005	5,296	05-006	5,402	05-013	9,173
04-013	2,721	02-001	8,539	04-006	3,550	05-008	2,552	05-014	8,143
04-018	3,457	02-002	6,842	04-007	4,205	05-009	5,173	13-003	2,285
04-024	1,823	02-003	4,512	04-009	2,269	05-011	4,856	13-004	1,812
04-026	1,780	02-004	4,451	04-011	3,184	05-012	7,193	13-005	3,590
04-031	3,994	02-005	4,788	04-014	2,576	05-015	3,950	13-006	2,202
04-032	1,847	03-001	3,492	04-015	1,712	05-016	4,180	13-007	2,997
06-002	4,958	03-002	2,948	04-016	3,242	05-017	4,853	13-008	5,351
07-001	2,047	06-001	5,017	04-019	3,552	05-018	1,506	13-009	2,843
07-002	2,560	06-007	9,058	04-020	6,599	05-019	3,942	13-010	5,244
07-003	3,880	08-001	4,732	04-021	3,600	05-020	6,780	13-012	1,828
07-004	4,751	08-002	5,157	04-023	3,463	05-021	6,819	13-013	5,171
07-005	2,561	08-004	1,920	04-025	2,895	08-003	3,645	13-014	2,518
07-006	2,741	08-005	3,164	04-027	1,916	13-001	3,401	13-015	5,438
07-007	2,411	08-006	3,069	04-028	2,692	13-002	6,600	13-016	5,074
07-008	3,663	08-007	1,946	04-029	1,350	13-011	4,213	13-017	2,280
07-009	3,394	08-008	5,677	04-030	1,813	13-020	2,493	13-018	4,185
07-010	4,325	08-009	4,789	04-034	1,992	13-033	2,778	13-019	2,832
07-011	3,175	08-010	3,999	06-003	3,355	13-035	4,482	13-021	4,373
07-012	3,630	08-011	6,110	06-004	5,704	13-036	4,764	13-022	3,892
07-013	4,120	09-005	2,604	06-005	5,206	13-037	3,560	13-023	2,981
07-014	1,169	09-007	7,467	06-006	9,363	13-043	3,283	13-024	2,838
07-015	4,254	09-008	8,029	09-001	3,183	13-044	5,828	13-025	6,192
07-016	2,519	09-009	3,164	09-002	6,844	13-045	2,682	13-026	1,727
07-017	2,513	09-011	3,850	09-003	4,811	13-046	2,917	13-027	4,163
07-018	3,168	09-012	4,013	09-004	4,933	13-048	3,597	13-028	3,290
07-019	2,768	09-017	1,459	09-006	7,819	13-049	5,102	13-029	4,827
07-020	3,278	09-018	3,981	09-010	5,309	13-051	2,347	13-030	5,405
07-021	1,538	09-019	3,154	09-013	3,472	13-052	2,726	13-031	2,298
07-022	2,830	09-025	7,972	09-014	3,347	13-054	6,127	13-032	3,758
07-023	4,074	09-026	6,319	09-015	3,870	13-055	10,308	13-034	2,871
07-024	3,164	09-028	1,662	09-016	7,622	13-056	2,201	13-038	1,955
07-025	3,059	09-029	3,794	09-020	9,695	13-057	1,752	13-039	2,644
07-026	5,078	09-030	4,636	09-021	7,445	13-060	1,707	13-040	3,367
07-027	2,303	11-001	2,034	09-022	3,369	13-061	5,045	13-041	4,425
07-028	2,511	12-001	7,226	09-023	2,316	13-063	2,921	13-042	2,173
07-030	1,261	12-002	3,097	09-024	3,126	13-064	1,442	13-047	4,152
07-031	1,339	12-003	4,706	09-027	8,782			13-050	3,055
07-032	2,010	12-004	3,461					13-053	2,464
10-001	1,819							13-058	2,874
10-002	3,288							13-059	2,213
10-003	1,978							13-062	1,435
10-004	1,987							13-065	130
10-005	3,194							13-066	855
10-006	3,141							13-067	2,427
10-007	3,832							13-068	3,685
10-008	1,985								
10-009	3,368								
10-010	3,842								
10-011	2,753								
10-012	3,022								
10-013	2,514								
<b>Total</b>	<b>166,689</b>		<b>192,764</b>		<b>179,075</b>		<b>167,556</b>		<b>167,257</b>

Source: 2000 U.S. Census Public Law 94-171 Data; Research & Technology Center, Montgomery County Dept. of Park & Planning.

Redistricting Commission Plan (10/3/01)  
Proposed 2001 County Council Districts  
Montgomery County, Maryland

District	Population	Difference	% Variation
1	174,556	-112	-0.06
2	178,108	3,440	1.97
3	172,870	-1,798	-1.03
4	173,339	-1,329	-0.76
5	174,468	-200	-0.11
Total	873,341		

Target population= 174,668  
Maximum % Variation= 3.00



- Water Feature
- Redistricting Commission Plan Boundaries
- Precinct

Source: Montgomery County Redistricting Commission  
MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

1: 240000  
1 inch equals 20000 feet

**Redistricting Commission Plan (10/3/01)**  
**Population, Racial, and Hispanic Data of the Proposed 2001 County Council Districts**  
**Montgomery County, Maryland**

Proposed 2001 Council District	2000 Population											
	Total Population	Percent of Total Population	Difference From Ideal (174,668) <sup>1</sup>	Percentage Variation from Ideal	Race				% Two or More Races	% Hispanic or Latino <sup>5</sup>	Minority <sup>6</sup> Pop %	
					Single Race Specified <sup>4</sup>							
					% Black or	% Asian &	% Other					
					% White	African Am.	Pacific Is.	Race				
District 1	174,556	20.0%	-112	-0.06	83.3%	3.5%	9.6%	1.4%	2.2%	5.8%	36,750	21.1%
District 2	178,108	20.4%	3,440	1.97	71.7%	13.1%	9.0%	3.2%	3.1%	7.7%	57,519	32.3%
District 3	172,870	19.8%	-1,798	-1.03	61.7%	11.4%	17.1%	6.2%	3.6%	13.4%	76,895	44.5%
District 4	173,339	19.8%	-1,329	-0.76	56.4%	22.2%	12.9%	5.0%	3.5%	10.3%	83,359	48.1%
District 5	174,468	20.0%	-200	-0.11	50.6%	25.6%	8.3%	10.8%	4.8%	20.4%	99,500	57.0%
Total	873,341	100.0%			64.8%	15.1%	11.3%	53.0%	34.0%	11.5%	354,023	40.5%

**Maximum % Variation: <sup>2</sup>      3.00**

**Average % Variation: <sup>3</sup>      0.79**

<sup>1</sup> Hypothetical ideal district population is the total County population divided equally among the five Council Districts. Using this formula each district will have an ideal population of 174,668.

<sup>2</sup> Maximum percentage variation is the sum of the absolute value of percentage variation for the two districts which are the most over-represented and most under-represented.

<sup>3</sup> Average percentage variation is the sum of the absolute value of each district's percentage variation from the ideal divided by the number of districts (5).

<sup>4</sup> For the first time, individuals could choose more than one racial category in the 2000 U.S. Census.

<sup>5</sup> People of Hispanic or Latino origin may be of any race.

<sup>6</sup> Minority population includes 1) Hispanics or Latinos, 2) individuals specifying a single race group either Black or African American, Asian, Pacific Islander, or some other race, and 3) anyone choosing any multi-racial category.

**Source: 2000 Census Redistricting Data, (Public Law 94-171), U.S. Census Bureau; Research & Technology Center, Montgomery County Department of Park & Planning, M-NCPPC (10/3/01).**



**Redistricting Commission Plan (10/3/01)**  
**Precinct Population by Proposed 2001 County Council District**  
**Montgomery County, Maryland**

Proposed 2001 County Council Districts									
District 1		District 2		District 3		District 4		District 5	
Precinct	Population	Precinct	Population	Precinct	Population	Precinct	Population	Precinct	Population
4-4	2,610	1-1	5,736	4-1	5,640	5-1	4,998	5-3	2,481
4-8	4,123	1-2	4,422	4-2	3,613	5-2	4,517	5-7	1,339
4-10	6,080	1-3	4,389	4-3	4,345	5-5	4,914	5-10	4,002
4-12	4,479	1-4	5,379	4-5	5,296	5-6	5,402	5-13	9,173
4-13	2,721	2-1	8,539	4-6	3,550	5-8	2,552	5-14	8,143
4-15	1,712	2-2	6,842	4-7	4,205	5-9	5,173	13-3	2,285
4-18	3,457	2-3	4,512	4-9	2,269	5-11	4,856	13-4	1,812
4-23	3,463	2-4	4,451	4-11	3,184	5-12	7,193	13-5	3,590
4-24	1,823	2-5	4,788	4-14	2,576	5-15	3,950	13-6	2,202
4-26	1,780	3-1	3,492	4-16	3,242	5-16	4,180	13-7	2,997
4-28	2,692	3-2	2,948	4-19	3,552	5-17	4,853	13-8	5,351
4-31	3,994	6-1	5,017	4-20	6,599	5-18	1,506	13-9	2,843
4-32	1,847	6-7	9,058	4-21	3,600	5-19	3,942	13-10	5,244
6-2	4,958	8-1	4,732	4-25	2,895	5-20	6,780	13-12	1,828
7-1	2,047	8-2	5,157	4-27	1,916	5-21	6,819	13-13	5,171
7-2	2,560	8-5	3,164	4-29	1,350	8-3	3,645	13-14	2,518
7-3	3,880	8-7W	336	4-30	1,813	8-4	1,920	13-15	5,438
7-4	4,751	8-9	4,789	4-34	1,992	8-6	3,069	13-16	5,074
7-5	2,561	8-10N	3,281	6-3	3,355	8-7E	1,610	13-17	2,280
7-6	2,741	8-11	6,110	6-4	5,704	8-8	5,677	13-18	4,185
7-7	2,411	9-5	2,604	6-5	5,206	8-10S	718	13-19	2,832
7-8	3,663	9-7	7,467	6-6	9,363	13-1	3,401	13-21	4,373
7-9	3,394	9-8	8,029	9-1	3,183	13-2	6,600	13-22	3,892
7-10	4,325	9-9	3,164	9-2	6,844	13-11	4,213	13-23	2,981
7-11	3,175	9-11	3,850	9-3	4,811	13-20	2,493	13-24	2,838
7-12	3,630	9-12	4,013	9-4	4,933	13-28	3,290	13-25	6,192
7-13	4,120	9-17	1,459	9-6	7,819	13-33	2,778	13-26	1,727
7-14	1,169	9-18	3,981	9-10	5,309	13-35	4,482	13-27	4,163
7-15	4,254	9-19	3,154	9-13	3,472	13-36	4,764	13-29	4,827
7-16	2,519	9-25	7,972	9-14	3,347	13-37	3,560	13-30	5,405
7-17	2,513	9-26	6,319	9-15	3,870	13-43	3,283	13-31	2,298
7-18	3,168	9-29	3,794	9-16	7,622	13-45	2,682	13-32	3,758
7-19	2,768	9-30	4,636	9-20	9,695	13-46	2,917	13-34	2,871
7-20	3,278	11-1	2,034	9-21	7,445	13-48	3,597	13-38	1,955
7-21	1,538	12-1	7,226	9-22	3,369	13-49	5,102	13-39	2,644
7-22	2,830	12-2	3,097	9-23	2,316	13-51	2,347	13-40	3,367
7-23	4,074	12-3	4,706	9-24	3,126	13-52	2,726	13-41	4,425
7-24	3,164	12-4	3,461	9-27	8,782	13-54	6,127	13-42	2,173
7-25	3,059			9-28	1,662	13-55	10,308	13-44	5,828
7-26	5,078					13-56	2,201	13-47	4,152
7-27	2,303					13-60	1,707	13-50	3,055
7-28	2,511					13-61	5,045	13-53	2,464
7-30	1,261					13-64	1,442	13-57	1,752
7-31	1,339							13-58	2,874
7-32	2,010							13-59	2,213
10-1	1,819							13-62	1,435
10-2	3,288							13-63	2,921
10-3	1,978							13-65	130
10-4	1,987							13-66	855
10-5	3,194							13-67	2,427
10-6	3,141							13-68	3,685
10-7	3,832								
10-8	1,985								
10-9	3,368								
10-10	3,842								
10-11	2,753								
10-12	3,022								
10-13	2,514								
<b>Total</b>	<b>174,556</b>		<b>178,108</b>		<b>172,870</b>		<b>173,339</b>		<b>174,468</b>

Source: 2000 Census Redistricting Data, (Public Law 94-171), U.S. Census Bureau; Research & Technology Center, Montgomery County Department of Park & Planning, M-NCPPC (10/3/01).

**Redistricting Commission Plan (10/3/01)**  
**Precinct Population, Racial and Hispanic Data by Proposed 2001 County Council Districts**  
**Montgomery County, Maryland**

Proposed 2001			2000 Total Pop	Race					% Hispanic or Latino <sup>2</sup>	Minority <sup>3</sup>	
Council District	2000 Precinct	1991 District		Single Race Specified <sup>1</sup>				% Two or More Races		Pop	%
				% White	% Black or African Am.	% Asian & Pacific Is.	% Other Race				
1 4-4		1	2,610	90.9	1.1	4.0	1.5	2.5	6.1	349	13.4
1 4-8		1	4,123	68.5	8.7	13.4	5.7	3.7	15.1	1,656	40.2
1 4-10		1	6,080	83.9	3.3	9.5	1.0	2.2	5.5	1,256	20.7
1 4-12		1	4,479	78.1	3.0	16.3	0.6	2.1	6.1	1,217	27.2
1 4-13		1	2,721	92.0	0.7	5.2	0.1	2.1	3.4	307	11.3
1 4-15		3	1,712	58.7	9.9	18.3	6.9	6.1	21.1	908	53.0
1 4-16		1	3,457	84.0	4.0	8.2	1.2	2.5	5.0	676	19.6
1 4-23		3	3,463	87.4	1.4	9.2	0.4	1.6	4.8	572	16.5
1 4-24		1	1,823	83.8	2.6	9.3	1.7	2.6	6.6	386	21.2
1 4-26		1	1,780	61.2	5.8	19.8	9.5	3.7	25.1	947	53.2
1 4-28		3	2,692	81.0	4.3	11.1	1.6	2.0	4.2	583	21.7
1 4-31		1	3,994	76.3	5.5	14.2	1.4	2.6	7.1	1,171	29.3
1 4-32		1	1,847	87.2	1.6	8.7	0.9	1.6	11.4	425	23.0
1 6-2		1	4,958	73.0	4.5	19.4	0.9	2.3	4.1	1,485	30.0
1 7-1		1	2,047	88.4	3.1	5.0	1.3	2.2	8.6	383	18.7
1 7-2		1	2,560	95.9	0.8	1.5	0.5	1.3	1.8	144	5.6
1 7-3		1	3,880	83.7	3.1	10.5	1.0	1.7	3.8	752	19.4
1 7-4		1	4,751	83.7	4.1	7.5	2.3	2.3	7.6	1,002	21.1
1 7-5		1	2,561	90.8	3.7	2.7	0.4	2.4	3.2	289	11.3
1 7-6		1	2,741	94.7	0.9	2.3	0.8	1.3	3.5	215	7.8
1 7-7		1	2,411	91.7	1.1	4.1	1.0	2.1	5.1	307	12.7
1 7-8		1	3,663	79.4	3.3	12.3	2.3	2.8	6.4	897	24.5
1 7-9		1	3,394	82.5	5.2	5.3	3.4	3.6	8.8	761	22.4
1 7-10		1	4,325	82.3	2.5	10.0	2.0	3.2	5.5	938	21.7
1 7-11		1	3,175	91.6	1.2	4.1	0.9	2.2	3.7	355	11.2
1 7-12		1	3,630	91.2	1.3	5.1	1.0	1.4	3.2	409	11.3
1 7-13		1	4,120	90.7	1.7	5.6	0.9	1.2	5.7	581	14.1
1 7-14		1	1,169	78.2	5.2	10.6	3.0	3.0	8.6	316	27.0
1 7-15		1	4,254	85.8	3.2	8.1	1.2	1.7	4.1	734	17.3
1 7-16		1	2,519	89.6	5.0	2.8	0.8	1.9	3.4	333	13.2
1 7-17		1	2,513	83.8	5.1	8.1	1.1	1.8	5.3	515	20.5
1 7-18		1	3,168	92.4	1.7	3.8	0.7	1.5	4.0	347	11.0
1 7-19		1	2,768	89.7	1.3	6.0	1.1	1.9	4.7	384	13.9
1 7-20		1	3,278	80.3	4.2	11.5	1.3	2.7	7.8	839	25.6
1 7-21		1	1,538	94.4	0.6	1.6	2.0	1.4	4.6	135	8.8
1 7-22		1	2,830	88.9	2.5	6.1	0.8	1.6	3.4	391	13.8
1 7-23		1	4,074	79.2	1.8	15.1	1.6	2.4	5.1	1,010	24.8
1 7-24		1	3,164	93.3	0.9	4.0	0.9	0.9	5.3	362	11.4
1 7-25		1	3,059	82.7	6.1	7.6	1.4	2.2	6.5	695	22.7
1 7-26		1	5,078	84.8	4.2	7.5	0.9	2.6	7.3	1,096	21.6
1 7-27		1	2,303	94.1	1.0	2.9	0.7	1.3	4.1	215	9.3
1 7-28		1	2,511	82.9	2.5	12.0	0.4	2.2	6.3	562	22.4
1 7-30		1	1,261	90.2	2.5	5.5	0.6	1.3	3.6	159	12.6
1 7-31		1	1,339	88.8	2.5	6.1	0.7	1.9	4.5	204	15.2
1 7-32		1	2,010	91.1	4.0	2.1	0.6	2.2	2.7	217	10.8
1 10-1		1	1,819	80.2	2.4	13.7	0.9	2.9	3.1	401	22.0
1 10-2		1	3,288	83.6	2.4	10.6	1.1	2.3	4.6	650	19.8
1 10-3		1	1,978	85.2	2.2	11.0	0.0	1.6	4.6	375	19.0
1 10-4		1	1,987	80.0	3.8	13.6	0.3	2.2	3.3	456	22.9
1 10-5		1	3,194	78.6	2.5	16.3	0.7	1.9	5.1	818	25.6
1 10-6		1	3,141	80.1	3.2	14.2	1.1	1.4	4.3	730	23.2
1 10-7		1	3,832	80.7	4.1	11.8	0.9	2.5	3.7	847	22.1
1 10-8		1	1,985	62.6	17.9	13.9	1.8	3.8	6.9	846	42.6
1 10-9		1	3,368	79.2	3.3	13.9	0.8	2.9	4.2	824	24.5
1 10-10		1	3,842	83.0	2.2	12.5	0.6	1.6	2.7	739	19.2
1 10-11		1	2,753	69.0	9.5	11.4	5.1	5.0	14.7	1,083	39.3
1 10-12		1	3,022	77.8	4.6	15.3	0.8	1.5	5.0	796	26.3
1 10-13		1	2,514	74.6	3.1	20.3	0.4	1.7	2.6	700	27.8
District 1			174,556	83.3%	3.5%	9.6%	1.4%	2.2%	5.8%	36,750	21.1%
2 1-1		2	5,736	84.8	7.0	5.3	1.0	2.0	3.6	1,028	17.9
2 1-2		2	4,422	79.0	11.1	5.8	1.5	2.6	4.4	1,033	23.4
2 1-3		2	4,389	71.7	15.1	6.9	2.5	3.8	7.3	1,417	32.3
2 1-4		2	5,379	61.3	14.4	16.8	4.0	3.5	11.0	2,412	44.8

**Redistricting Commission Plan (10/3/01)**  
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**Montgomery County, Maryland**

Proposed 2001			2000 Total Pop	Race					% Hispanic or Latino <sup>2</sup>	Minority <sup>3</sup>	
Council District	2000 Precinct	1991 District		Single Race Specified <sup>1</sup>				% Two or More Races		Pop	%
				% Black or African Am.	% Asian & Pacific Is.	% Other Race					
	2 2-1	2	8,539	72.2	10.4	13.9	1.5	1.9	5.5	2,685	31.4
	2 2-2	2	6,842	66.1	16.4	10.8	3.4	3.2	8.6	2,604	38.1
	2 2-3	2	4,512	66.0	17.2	8.6	4.1	4.0	10.2	1,761	39.0
	2 2-4	2	4,451	73.8	13.0	6.4	3.1	3.7	7.7	1,364	30.6
	2 2-5	2	4,788	76.7	11.7	5.7	2.2	3.7	5.9	1,257	26.3
	2 3-1	2	3,492	90.7	5.9	1.3	0.9	1.2	2.3	390	11.2
	2 3-2	2	2,948	92.5	3.8	0.7	1.6	1.4	3.4	284	9.6
	2 6-1	2	5,017	87.3	3.8	6.1	0.8	1.9	2.9	757	15.1
	2 6-7	2	9,058	63.7	16.0	14.4	2.9	3.0	7.6	3,641	40.2
	2 8-1	2	4,732	81.4	8.2	6.4	1.9	2.0	5.8	1,041	22.0
	2 8-2	2	5,157	81.2	7.5	7.7	1.4	2.2	4.4	1,130	21.9
	2 8-5	2	3,164	90.8	4.0	3.1	0.5	1.6	2.5	344	10.9
	2 8-7W	2	336	83.3	11.9	3.3	0.3	1.2	3.6	67	19.9
	2 8-9	2	4,789	80.1	8.1	7.9	1.4	2.5	5.3	1,125	23.5
	2 8-10N	0	3,281	73.5	11.0	9.3	3.5	2.7	6.7	963	29.4
	2 8-11	2	6,110	70.8	14.4	9.9	2.2	2.6	5.5	1,936	31.7
	2 9-5	2	2,604	57.7	21.8	10.2	6.1	4.2	14.6	1,296	49.8
	2 9-7	2	7,467	49.0	17.3	21.6	7.0	5.1	16.4	4,425	59.3
	2 9-8	2	8,029	57.3	22.1	10.9	5.0	4.8	11.0	3,802	47.4
	2 9-9	2	3,164	55.2	21.1	10.6	9.0	4.2	19.0	1,685	53.3
	2 9-11	2	3,850	70.8	13.8	8.0	3.6	3.9	8.5	1,297	33.7
	2 9-12	2	4,013	70.4	15.2	6.5	4.0	3.9	10.0	1,372	34.2
	2 9-17	2	1,459	90.7	2.6	4.5	0.9	1.3	2.1	152	10.4
	2 9-18	2	3,981	58.4	23.4	7.3	6.8	4.1	14.4	1,917	48.2
	2 9-19	2	3,154	61.5	24.7	4.8	5.5	3.5	12.0	1,403	44.5
	2 9-25	2	7,972	57.7	18.1	15.8	4.3	4.2	9.7	3,721	46.7
	2 9-26	2	6,319	53.6	25.7	8.4	6.1	6.3	13.1	3,301	52.2
	2 9-29	2	3,794	71.7	12.5	7.5	4.2	4.1	9.1	1,243	32.8
	2 9-30	2	4,636	53.8	18.2	19.5	5.1	3.5	9.1	2,292	49.4
	2 11-1	2	2,034	88.8	8.1	0.8	0.9	1.4	2.8	271	13.3
	2 12-1	2	7,226	87.7	5.9	2.1	1.8	2.5	4.5	1,047	14.5
	2 12-2	2	3,097	95.5	2.1	0.3	1.4	0.8	3.1	196	6.3
	2 12-3	2	4,706	91.6	4.2	2.3	0.7	1.2	2.3	470	10.0
	2 12-4	2	3,461	91.4	2.7	3.5	1.0	1.4	3.5	390	11.3
District 2			178,108	71.7%	13.1%	9.0%	3.2%	3.1%	7.7%	57,519	32.3%
	3 4-1	3	5,640	52.0	23.7	9.9	9.6	4.9	19.1	3,135	55.6
	3 4-2	3	3,613	79.5	6.5	10.6	1.2	2.2	3.7	840	23.2
	3 4-3	3	4,345	68.9	13.2	12.0	3.5	2.4	9.7	1,588	36.5
	3 4-5	3	5,296	54.6	8.8	27.7	4.8	4.1	13.4	2,804	52.9
	3 4-6	3	3,550	70.8	5.2	6.7	13.6	3.7	20.7	1,260	35.5
	3 4-7	3	4,205	65.8	7.4	10.6	12.5	3.7	22.5	1,793	42.6
	3 4-9	3	2,269	70.2	7.4	13.3	5.9	3.2	13.6	823	36.3
	3 4-11	3	3,184	49.5	3.4	41.9	2.5	2.6	10.7	1,857	58.3
	3 4-14	3	2,576	67.0	11.4	15.9	2.5	3.1	7.3	976	37.9
	3 4-16	3	3,242	80.6	2.9	13.8	0.9	1.8	4.5	757	23.3
	3 4-19	3	3,552	64.8	11.5	18.6	2.0	3.2	6.8	1,404	39.5
	3 4-20	3	6,599	63.1	4.8	28.7	1.3	2.2	3.2	2,562	38.8
	3 4-21	3	3,600	78.9	2.9	15.0	0.9	2.3	6.2	936	26.0
	3 4-25	3	2,895	75.5	12.8	7.4	1.4	2.9	5.5	811	28.0
	3 4-27	3	1,916	43.7	8.0	30.5	13.3	4.5	26.5	1,275	66.5
	3 4-29	3	1,350	89.5	3.6	3.9	1.1	1.9	5.6	199	14.7
	3 4-30	3	1,813	81.5	3.5	12.0	1.4	1.5	4.7	407	22.4
	3 4-34	3	1,992	82.5	5.0	8.1	2.8	1.7	5.7	415	20.8
	3 6-3	3	3,355	77.4	5.4	13.3	1.2	2.8	4.3	849	25.3
	3 6-4	3	5,704	72.1	3.9	20.5	1.1	2.4	3.9	1,781	31.2
	3 6-5	3	5,206	72.3	6.0	17.8	1.3	2.5	4.4	1,590	30.5
	3 6-6	3	9,363	56.0	3.2	37.6	1.1	2.2	3.6	4,331	46.3
	3 9-1	3	3,183	67.7	12.2	9.1	7.4	3.6	18.9	1,351	42.4
	3 9-2	3	6,844	51.2	16.7	11.1	16.2	4.8	36.3	4,517	66.0
	3 9-3	3	4,811	50.8	21.0	15.8	7.4	5.0	17.0	2,749	57.1
	3 9-4	3	4,933	48.2	17.9	17.2	11.9	4.7	17.9	2,790	56.6
	3 9-6	3	7,819	61.5	13.0	17.8	3.8	3.9	10.9	3,479	44.5
	3 9-10	3	5,309	53.1	16.6	16.9	9.0	4.5	15.7	2,764	52.1

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Proposed 2001			2000 Total Pop	Race					% Hispanic or Latino <sup>2</sup>	Minority <sup>3</sup>	
Council District	2000 Precinct	1991 District		Single Race Specified <sup>1</sup>			% Two or More Races	Pop		%	
				% Black or African Am.	% Asian & Pacific Is.	% Other Race					
	3 9-13	3	3,472	73.2	7.5	13.1	2.7	3.4	6.3	1,042	30.0
	3 9-14	3	3,347	69.4	7.2	16.1	3.2	4.2	8.0	1,164	34.8
	3 9-15	3	3,870	54.2	18.7	15.1	6.4	5.6	12.5	1,978	51.1
	3 9-16	3	7,622	44.0	21.7	17.9	12.2	4.2	26.2	5,164	67.8
	3 9-20	3	9,695	42.4	19.7	13.0	18.7	6.2	35.1	6,854	70.7
	3 9-21	3	7,445	54.5	16.2	19.5	5.4	4.4	11.6	3,768	50.6
	3 9-22	3	3,369	56.4	19.2	11.5	8.5	4.4	16.3	1,684	50.0
	3 9-23	3	2,316	56.0	15.6	15.6	7.4	5.3	14.6	1,172	50.6
	3 9-24	3	3,126	53.7	20.4	14.3	7.2	4.5	16.1	1,692	54.1
	3 9-27	3	8,782	77.4	4.7	13.3	1.9	2.6	5.2	2,269	25.8
	3 9-28	2	1,662	96.8	0.8	0.8	1.1	0.4	1.9	65	3.9
District 3			172,870	61.7%	11.4%	17.1%	6.2%	3.6%	13.4%	76,896	44.5%
	4 5-1	4	4,998	50.6	25.0	18.0	3.3	3.1	5.5	2,574	51.5
	4 5-2	4	4,517	37.3	47.5	8.9	2.4	3.9	5.6	2,938	65.0
	4 5-5	4	4,914	66.2	17.5	10.3	2.5	3.5	5.4	1,798	36.6
	4 5-6	4	5,402	46.7	28.4	18.6	3.2	3.1	7.5	3,045	56.4
	4 5-8	4	2,552	38.2	45.7	12.3	1.4	2.5	5.1	1,671	65.5
	4 5-9	4	5,173	53.7	18.4	23.1	2.0	2.7	4.6	2,499	48.3
	4 5-11	4	4,856	54.2	21.6	19.1	2.4	2.7	7.1	2,422	49.9
	4 5-12	4	7,193	43.7	30.3	20.3	2.1	3.5	5.3	4,217	58.6
	4 5-15	4	3,950	71.8	13.8	9.6	1.5	3.2	4.2	1,215	30.8
	4 5-16	4	4,180	56.1	20.6	18.6	1.6	3.1	3.7	1,921	46.0
	4 5-17	4	4,853	49.5	26.1	18.1	3.0	3.4	6.9	2,622	54.0
	4 5-18	4	1,506	80.5	11.0	5.0	0.5	3.0	2.2	314	20.8
	4 5-19	4	3,942	68.6	11.8	17.4	0.9	1.3	3.4	1,315	33.4
	4 5-20	4	6,780	42.8	33.1	18.4	2.4	3.3	6.4	4,121	60.8
	4 5-21	4	6,819	22.3	58.2	11.6	4.0	3.9	7.2	5,451	79.9
	4 8-3	4	3,645	85.6	4.2	8.5	0.5	1.2	1.8	577	15.8
	4 8-4	2	1,920	77.2	7.2	10.6	2.0	3.0	3.4	459	23.9
	4 8-6	2	3,069	80.1	12.8	3.6	1.6	1.9	3.7	663	21.6
	4 8-7E	2	1,610	89.5	5.3	2.5	1.0	1.6	3.3	202	12.5
	4 8-8	2	5,677	78.6	8.1	9.4	2.4	1.6	4.3	1,355	23.9
	4 8-10S	2	718	72.6	16.6	7.2	0.4	3.2	4.3	223	31.1
	4 13-1	4	3,401	60.8	15.2	16.9	4.1	3.1	10.1	1,508	44.3
	4 13-2	4	6,600	46.7	27.6	15.8	5.5	4.4	12.2	3,853	58.4
	4 13-11	4	4,213	60.7	17.8	10.7	7.0	3.7	13.6	1,875	44.5
	4 13-20	4	2,493	86.8	7.2	3.7	0.6	1.6	2.4	368	14.8
	4 13-28	5	3,290	54.9	12.9	10.1	16.2	5.9	31.3	1,878	57.1
	4 13-33	4	2,778	64.8	22.1	7.1	3.6	2.5	7.9	1,084	39.0
	4 13-35	4	4,482	51.9	12.8	17.8	12.8	4.7	25.5	2,643	59.0
	4 13-36	4	4,764	51.7	11.4	14.8	16.2	6.0	29.7	2,825	59.3
	4 13-37	4	3,560	60.7	11.0	12.1	11.7	4.6	25.3	1,776	49.9
	4 13-43	4	3,283	59.3	9.6	13.2	13.4	4.5	25.2	1,662	50.6
	4 13-45	4	2,682	63.7	9.1	15.2	8.8	3.2	16.5	1,156	43.1
	4 13-46	4	2,917	74.4	8.4	9.6	5.2	2.3	9.5	859	29.4
	4 13-48	4	3,597	46.3	32.1	8.1	9.4	4.1	19.1	2,243	62.4
	4 13-49	4	5,102	49.0	31.2	10.8	5.6	3.4	11.3	2,853	55.9
	4 13-51	4	2,347	77.5	4.2	8.9	6.2	3.2	10.7	638	27.2
	4 13-52	4	2,726	83.9	5.9	6.4	2.1	1.8	5.9	540	19.8
	4 13-54	4	6,127	94.8	3.0	1.3	0.3	0.6	1.0	371	6.1
	4 13-55	4	10,308	30.6	39.4	11.4	12.4	6.2	24.2	8,104	78.6
	4 13-56	4	2,201	48.0	27.7	15.9	3.2	5.2	6.9	1,212	55.1
	4 13-60	4	1,707	72.9	8.6	9.4	5.2	3.9	10.8	554	32.5
	4 13-61	4	5,045	50.7	24.4	16.1	4.6	4.2	8.6	2,679	53.1
	4 13-64	4	1,442	33.8	47.9	3.7	8.5	6.1	19.1	1,076	74.6
District 4			173,339	56.4%	22.2%	12.9%	5.0%	3.5%	10.3%	83,359	48.1%
	5 5-3	5	2,481	60.7	23.0	10.0	4.2	2.1	8.7	1,082	43.6
	5 5-7	5	1,339	65.2	16.7	12.1	3.1	2.8	7.2	523	39.1
	5 5-10	5	4,002	34.8	46.6	9.7	4.3	4.6	9.7	2,761	69.0
	5 5-13	5	9,173	20.9	52.1	10.6	11.2	5.3	19.5	7,796	85.0
	5 5-14	5	8,143	25.5	28.3	18.2	22.4	5.5	39.6	7,092	87.1
	5 13-3	5	2,285	91.7	4.9	2.1	0.4	1.0	3.5	252	11.0
	5 13-4	5	1,812	80.5	11.5	2.1	2.5	3.3	6.6	410	22.6

**Redistricting Commission Plan (10/3/01)**  
**Precinct Population, Racial and Hispanic Data by Proposed 2001 County Council Districts**  
**Montgomery County, Maryland**

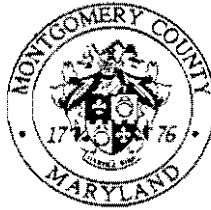
Proposed 2001			2000 Total Pop	Race					% Hispanic or Latino <sup>2</sup>	Minority <sup>3</sup>	
Council	2000	1991		Single Race Specified <sup>1</sup>				% Two or			
District	Precinct	District		% White	% Black or African Am.	% Asian & Pacific Is.	% Other Race	More Races			
5 13-5		5	3,590	49.4	35.3	5.5	4.6	5.2	13.2	2,070	57.7
5 13-6		5	2,202	78.8	13.0	1.8	3.3	3.1	7.9	545	24.8
5 13-7		5	2,997	71.8	18.6	4.2	2.0	3.4	7.9	982	32.8
5 13-8		5	5,351	47.4	31.1	5.6	9.2	6.7	17.9	3,180	59.4
5 13-9		5	2,843	41.6	36.9	6.4	9.8	5.3	19.7	1,833	64.5
5 13-10		5	5,244	41.3	41.1	7.4	4.1	6.2	12.9	3,417	65.2
5 13-12		5	1,828	79.7	7.6	4.9	3.4	4.4	6.5	420	23.0
5 13-13		5	5,171	36.2	35.4	5.0	17.6	5.8	28.2	3,715	71.8
5 13-14		5	2,518	77.9	13.7	4.1	1.8	2.4	5.5	639	25.4
5 13-15		5	5,438	23.7	40.9	14.6	14.4	6.4	23.2	4,496	82.7
5 13-16		5	5,074	37.5	37.5	6.4	13.7	5.0	27.5	3,735	73.6
5 13-17		5	2,280	61.0	16.4	8.9	9.1	4.6	23.5	1,180	51.8
5 13-18		5	4,185	46.2	20.6	7.9	20.4	4.9	31.9	2,610	62.4
5 13-19		5	2,832	73.1	11.2	6.6	5.5	3.6	12.5	901	31.8
5 13-21		5	4,373	34.1	48.6	2.8	7.7	6.8	13.3	3,029	69.3
5 13-22		5	3,892	42.9	20.0	6.7	24.1	6.2	40.3	2,695	69.2
5 13-23		5	2,981	85.3	7.0	3.7	2.2	1.8	5.6	526	17.6
5 13-24		5	2,838	70.2	15.3	7.9	3.1	3.6	9.2	1,010	35.6
5 13-25		5	6,192	49.1	18.7	10.9	15.0	6.4	33.2	4,081	65.9
5 13-26		5	1,727	95.1	1.7	1.9	0.3	0.9	3.8	129	7.5
5 13-27		5	4,163	59.4	14.9	11.8	8.9	5.0	19.4	2,043	49.1
5 13-29		5	4,827	49.6	15.4	13.5	15.8	5.7	30.3	2,992	62.0
5 13-30		5	5,405	45.2	17.9	9.0	22.2	5.7	40.9	3,793	70.2
5 13-31		5	2,298	62.3	15.5	9.5	7.9	4.7	18.4	1,054	45.9
5 13-32		5	3,758	39.6	26.9	12.9	14.3	6.3	24.1	2,556	68.0
5 13-34		5	2,871	86.1	3.6	3.5	3.7	3.1	7.8	519	18.1
5 13-38		5	1,955	92.3	1.2	4.1	1.0	1.3	4.0	208	10.6
5 13-39		5	2,644	73.8	12.7	6.2	3.8	3.6	9.2	814	30.8
5 13-40		5	3,367	72.4	13.7	6.3	4.2	3.4	10.9	1,131	33.6
5 13-41		5	4,425	24.0	27.1	12.4	29.9	6.6	53.7	4,236	95.7
5 13-42		5	2,173	57.6	13.8	10.3	13.8	4.6	25.9	1,148	52.8
5 13-44		4	5,828	40.3	22.3	12.6	19.8	5.1	31.0	3,987	68.4
5 13-47		5	4,152	29.8	54.2	8.9	2.3	4.7	6.7	3,061	73.7
5 13-50		5	3,055	63.8	23.2	4.3	5.4	3.2	10.2	1,222	40.0
5 13-53		5	2,464	65.5	12.3	6.5	11.6	4.1	17.0	964	39.1
5 13-57		4	1,752	64.4	21.7	6.1	3.3	4.5	6.1	666	38.0
5 13-58		5	2,874	68.6	17.4	5.7	4.3	3.9	10.7	1,051	36.6
5 13-59		5	2,213	69.4	13.7	6.6	6.3	4.1	12.6	808	36.5
5 13-62		5	1,435	93.3	0.3	3.9	0.9	1.6	4.5	144	10.0
5 13-63		4	2,921	46.1	23.7	7.4	16.2	6.7	32.6	1,934	66.2
5 13-65		5	130	79.2	11.5	3.8	2.3	3.1	13.1	42	32.3
5 13-66		5	855	85.6	8.0	2.2	2.3	1.9	6.4	157	18.4
5 13-67		5	2,427	54.1	33.3	2.5	6.3	3.7	12.2	1,224	50.4
5 13-68		5	3,685	34.9	38.0	8.7	13.1	5.3	21.0	2,637	71.6
District 5			174,468	50.6%	25.6%	8.3%	10.8%	4.8%	20.4%	99,500	57.0%

<sup>1</sup> For the first time, individuals could choose more than one racial category in the 2000 U.S. Census.

<sup>2</sup> People of Hispanic or Latino origin may be of any race.

<sup>3</sup> Minority population includes 1) Hispanics or Latinos, 2) individuals specifying a single race group either Black or African American, Asian, Pacific Islander, or some other race, and 3) anyone choosing any multi-racial category.

Source: 2000 Census Redistricting Data, (Public Law 94-171), U.S. Census Bureau; Research & Technology Center, Montgomery County Department of Park & Planning, M-NCPPC (10/3/01).



OFFICE OF THE COUNTY ATTORNEY

Douglas M. Duncan  
County Executive

Charles W. Thompson, Jr.  
County Attorney

MEMORANDUM

PRIVILEGED AND CONFIDENTIAL

TO: Redistricting Commission Members

FROM: Edward B. Lattner *EBL*  
Associate County Attorney

DATE: March 12, 2001

RE: Various Legal Issues

1. Substantially Equal Population: One Person, One Vote
2. Traditional Districting Criteria
3. The Voting Rights Act of 1965
4. Equal Protection Clause and Racial Gerrymandering
5. Equal Protection Clause and Political Gerrymandering

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In this memo, I hope to provide the Commission with a legal road map of its duties. The Charter's substantive requirements for creating councilmanic districts are rather terse: the Commission must create councilmanic districts that are (or review the present districts to assure they remain) (1) compact in form, (2) composed of adjoining territory, and (3) substantially equal in population. As you do this you must be solicitous of the Voting Rights Act's prohibition against voting procedures having the purpose or effect of abridging the right to vote based upon race, which has led minority plaintiffs to challenge the failure of some local governments to create "majority-minority" districts,<sup>1</sup> but mindful of the Equal Protection Clause's prohibition against intentionally segregating voters based upon race.

I. SUBSTANTIALLY EQUAL POPULATION: ONE PERSON, ONE VOTE

The Equal Protection Clause of the Fourteenth Amendment requires "one person, one vote." This means that the government must give each qualified voter an equal opportunity to participate in an election, "and when members of an elected body are chosen from separate districts, each district must be established on a basis that will ensure, as far as is practicable, that

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<sup>1</sup>These are districts in which a majority of the people are members of a protected minority group, such as blacks or Hispanics.

equal number of voters can vote for proportionally equal numbers of officials.”<sup>2</sup>

Over time, the courts have established a formula for analyzing the “maximum population deviation” among districts for legislatively-enacted redistricting plans for state or local representatives.<sup>3</sup> The court first creates a hypothetical ideal district by dividing the total population<sup>4</sup> of the political unit (state, city, or county) by the total number of district-elected representatives who serve that population (in our case, that number is 5). Then the court adds together the percentage population variation of the largest and smallest district in comparison to the ideal district. If that figure is under 10% the court regards the difference as *de minimis* and is unlikely to find an Equal Protection violation. If that figure is over 10% the court regards the difference as presumptively invalid and the government must provide substantial justification to sustain the plan.<sup>5</sup> Finally, there is a level of population disparity beyond which the government can offer no possible justification. Although it is not clear precisely what that upper level is, the Supreme Court has stated in dictum that a maximum deviation of 16.4% “may well approach tolerable limits.”<sup>6</sup>

The Commission should strive to create districts which meet the formula described above. In our case, the hypothetical ideal district is the total county population divided by 5. The sum of the percentage variation of the largest and smallest district in comparison to that ideal district should be under 10%.

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<sup>2</sup>*Hadley v. Junior College Dist. of Metro. Kansas City*, 397 U.S. 50, 56 (1970).

<sup>3</sup>The Supreme Court has repeatedly recognized that congressional apportionment plans, which are tested under Art. I, § 2 of the United States Constitution, are subject to stricter standards of population equality than are state or local legislative districting plans, which are tested under the Equal Protection Clause of the Fourteenth Amendment. *Daly v. Hunt*, 93 F.3d 1212, 1216 n.5 (4<sup>th</sup> Cir. 1996). Court ordered apportionment plans must also meet more exacting standards. *Id.* at 1217 n.7.

<sup>4</sup>The courts have often used total population as the pertinent measure rather than voting-age population. The use of total population advances “representational equality,” ensuring “that all constituents, whether or not they are eligible to vote, have roughly equal access to their elected representatives to voice their opinions or otherwise to advance their interests.” *Daly v. Hunt*, 93 F.3d 1212, 1223 (4<sup>th</sup> Cir. 1996). The use of voting age population advances “electoral equality,” ensuring “that, regardless of the size of the whole body of constituents, political power, as defined by the number of those eligible to vote, is equalized as between districts holding the same number of representatives. It also assures that those eligible to vote do not suffer dilution of that important right by having their vote given less weight than that of electors in another location.” *Id.*

<sup>5</sup>*Daly v. Hunt*, 93 F.3d 1212, 1217-18 (4<sup>th</sup> Cir. 1996). Unlike a § 2 Voting Rights Act case (described below), the plaintiff need not demonstrate that the malapportionment actually lessened his ability to participate in the political process or to receive equally effective access to an elected representative. The harm is presumed in one person, one vote cases.

<sup>6</sup>*Mahan v. Howell*, 410 U.S. 315, 329, 93 S. Ct. 979, 987, 35 L.Ed.2d 320 (1973).

## II. TRADITIONAL DISTRICTING CRITERIA: COMPACTNESS, CONTIGUITY, AND OTHERS

Over the years, the courts have identified a number of valid considerations when drawing districts. These include: (1) compactness, (2) contiguity, (3) respect for political subdivisions, (4) community shared interests, (5) geography, and even (6) avoiding contests between incumbents or protection of incumbency.<sup>7</sup> Two of these considerations are mandatory under our Charter: compactness and contiguity. These two factors are intended to prevent political gerrymandering.<sup>8</sup>

### A. Compactness

When reviewing our Charter's compactness requirement, the Maryland Court of Special Appeals looked to cases construing an identical compactness requirement in the State Constitution.<sup>9</sup>

[T]he ideal of compactness, in geometric terms, is a circle, with the perimeter of a district equidistant from its center. With the possible exception of Colorado, however, no jurisdiction has defined or applied the compactness requirement in geometric terms. On the contrary, most jurisdictions have concluded that the constitutional compactness requirement, in a state legislative redistricting context, is a relative rather than an absolute standard.<sup>10</sup>

Compactness is a requirement for a close union of territory rather than a requirement dependent upon a district being of any particular shape or size. But it is subservient to the federal constitutional requirement of substantial equality of population among districts.<sup>11</sup>

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<sup>7</sup>*Miller v. Johnson*, 515 U.S. 900, 916, 115 S. Ct. 2475, 2488, 132 L.Ed.2d 762 (1995); *Abrams v. Johnson*, 521 U.S. 74, 98, 117 S. Ct. 1939, 138 L.Ed.2d 285 (1997).

<sup>8</sup>*In re Legislative Districting*, 299 Md. 658, 675, 475 A.2d 428, 437, *appeal dismissed*, *Wiser v. Hughes*, 459 U.S. 962, 103 S. Ct. 286, 74 L.Ed.2d 272, and *Andrews v. Hughes*, 459 U.S. 962, 103 S. Ct. 286, 74 L.Ed.2d 272 (1982).

<sup>9</sup>*Ajamian v. Montgomery County*, 99 Md. App. 665, 690, 639 A.2d 157, 169 (1994). Art. III, § 4 of the Maryland Constitution requires that "[e]ach [state] legislative district shall . . . be compact in form."

<sup>10</sup>*In re Legislative Districting*, 299 Md. 658, 676, 475 A.2d 428, 437, *appeal dismissed*, *Wiser v. Hughes*, 459 U.S. 962, 103 S. Ct. 286, 74 L.Ed.2d 272, and *Andrews v. Hughes*, 459 U.S. 962, 103 S. Ct. 286, 74 L.Ed.2d 272 (1982).

<sup>11</sup>*In re Legislative Districting*, 299 Md. 658, 680 n.14, 475 A.2d 428, 439 n.14, *appeal dismissed*, *Wiser v. Hughes*, 459 U.S. 962, 103 S. Ct. 286, 74 L.Ed.2d 272, and *Andrews v. Hughes*, 459 U.S. 962, 103 S. Ct. 286, 74



## B. Contiguity

Like our Charter, the State Constitution also has a contiguity requirement.<sup>12</sup> "The contiguity requirement mandates that there be no division between one part of a district's territory and the rest of the district; in other words, contiguous territory is territory touching, adjoining and connected, as distinguished from territory separated by other territory."<sup>13</sup>

## III. VOTING RIGHTS ACT OF 1965

While creating districts substantially equal in population districts, the Commission must be aware of § 2 of the Voting Rights Act of 1965,<sup>14</sup> which prohibits any law or practice which results in a denial or abridgement of the right to vote based upon race.<sup>15</sup> A plaintiff can establish a violation of § 2 by proving

**based on the totality of circumstances**, . . . the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a [protected minority] in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of [the minority] have been elected to office in the State or political subdivision is **one circumstance** which may be considered: Provided, That nothing in this section establishes a right to have members of a [minority] protected class elected in numbers

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<sup>11</sup>(...continued)  
L.Ed.2d 272 (1982).

<sup>12</sup>Art. III, § 4 of the Maryland Constitution states that "[e]ach [state] legislative district shall consist of adjoining territory."

<sup>13</sup>*In re Legislative Districting*, 299 Md. 658, 675, 475 A.2d 428, 437, *appeal dismissed*, *Wiser v. Hughes*, 459 U.S. 962, 103 S. Ct. 286, 74 L.Ed.2d 272, and *Andrews v. Hughes*, 459 U.S. 962, 103 S. Ct. 286, 74 L.Ed.2d 272 (1982).

<sup>14</sup>42 U.S.C. § 1973. Another provision, Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c, provides a mechanism to oversee proposed changes to districting schemes or electoral structures in "covered jurisdictions" — states or counties that had, as of certain dates, maintained voting "tests or devices" serving to disenfranchise minority voters. These are principally states from the Deep South, but also include Alaska and counties in New York and California. Montgomery County, Maryland is not a covered jurisdiction.

<sup>15</sup>Prior to a 1982 amendment, a plaintiff had to prove discriminatory intent. Now, a § 2 plaintiff need not prove that the challenged law was enacted with a racially discriminatory intent, but only that the law has a discriminatory result. *Thornburg v. Gingles*, 478 U.S. 30, 43-44, 106 S. Ct. 2752, 2762, 92 L.Ed.2d 25 (1986).

equal to their proportion in the population.<sup>16</sup>

In order to sustain their burden of proof, plaintiffs must prove that they have “substantial difficulty” in electing representatives of their choice.”<sup>17</sup>

Opportunity is the touchstone under § 2; the statute only protects the plaintiffs’ right to equal opportunity or equal access to the political process.<sup>18</sup> It does not entitle any of the protected classes to be represented by a member of its own group.<sup>19</sup> Under the statute, no group has a right to electoral victory.<sup>20</sup> In the same vein, the statute also does not entitle any group of person to have their political clout maximized.<sup>21</sup>

#### **A. The Three *Gingles* Preconditions to Suit**

There are three “necessary preconditions” in order to state a viable § 2 case:

First, the minority group must be able to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district. If it is not, as would be the case in a substantially integrated district, the multi-member form of the district cannot be responsible for minority voters’ inability to elect its candidates. Second, the minority group must be able to show that it is politically cohesive. If the minority group is not politically cohesive, it cannot be said that the selection of a multimember electoral structure thwarts distinctive minority group interests. Third, the minority must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it — in the absence of special circumstances, such as the minority candidate running unopposed, — usually to defeat the minority’s preferred candidate.<sup>22</sup>

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<sup>16</sup>42 U.S.C. § 1973(b) (emphasis added).

<sup>17</sup>*Thronburg v. Gingles*, 478 U.S. 30, 49 n.15, 106 S. Ct. 2752, 2765 n.15, 92 L.Ed.2d 25 (1986).

<sup>18</sup>*Johnson v. De Grandy*, 512 U.S. 997, 114 S. Ct. 2647, 2658 (1994).

<sup>19</sup>*Lodge v. Buxton*, 639 F.2d 1358, 1374 (5<sup>th</sup> Cir. 1982), *aff’d sub nom.*, *Rogers v. Lodge*, 458 U.S. 613, 624-26 (1982).

<sup>20</sup>*Whitcomb v. Chavis*, 403 U.S. 124, 153-55 (1971).

<sup>21</sup>*Johnson v. De Grandy*, 512 U.S. 997, 114 S. Ct. 2647, 2660 (1994).

<sup>22</sup>*Thronburg v. Gingles*, 478 U.S. 30, 50-51, 106 S. Ct. 2752, 92 L.Ed.2d 25 (1986). Although these preconditions apply in cases which attack purely at-large, mixed at-large/district, and purely district systems, *Grove*

These factors are inextricably linked and the plaintiffs' failure to sustain their burden of proof on any one of these three factors is fatal to their case because, in their absence, the court cannot consider the structure or device being discharged to be the cause of the minority's inability to elect its preferred candidate.<sup>23</sup>

## B. The "Totality of the Circumstances" Test

But a plaintiff's satisfaction of these three "necessary preconditions" does not, by itself, prove a § 2 violation. Under the statute, a plaintiff still has the burden of proving, "based on the totality of circumstances," the challenged electoral practice or structure results in an electoral system that is not equally open to participation by members of the plaintiff's class in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.<sup>24</sup> Although the statute itself identifies only "one circumstance which may be considered," the courts have developed others over time.

### 1. the senate factors

The statute's legislative history, especially the Senate Judiciary Committee Report (Subcommittee on the Constitution), provides some guidance on the other factors considered in this "totality of circumstances." These include:

- a. any history of discrimination touching the right to register, vote, or otherwise participate in the democratic process;
- b. the extent of any racially polarized voting;
- c. the use of any election devices (e.g., majority vote requirements) which may lead to discrimination against minorities;

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<sup>23</sup>(...continued)

*v. Emison*, 507 U.S. 25, 40 (1993), the proof will vary in each case. For example, with regard to the first factor, if plaintiffs are challenging the use of a multimember (at-large) district, they will have to show that "within each contested multimember district there exists a minority group that is sufficiently large and compact to constitute a single-member district." *Thornburg*, 478 U.S. at 50, 106 S. Ct. at 2766 n.16. On the other hand, plaintiffs challenging a single-member districting plan "might allege that the minority group is sufficiently large and compact to constitute a single-member district that has been split between two or more . . . single-member districts, with the effect of diluting the potential strength of the minority vote. *Id.*

<sup>23</sup>*Thornburg v. Gingles*, 478 U.S. 30, 48-51, 106 S. Ct. 2752, 92 L.Ed.2d 25 (1986).

<sup>24</sup>*Johnson v. De Grandy*, 512 U.S. 997, 114 S. Ct. 2647, 2656-57 (1994).

- d. evidence of exclusion of minorities from candidate slating procedures;
- e. the extent to which the socioeconomic effects of past discrimination affect the ability of minorities to participate in the democratic process;
- f. whether campaigns have been characterized by overt or subtle racial appeal; and
- g. the extent to which members of the minority group have been elected to public office in the jurisdiction.

Two other factors identified by the Judiciary Committee with some "probative value" are:

- a. whether there is a significant lack of responsiveness on the part of elected officials to the particularized needs of the members of the minority group; and
- b. whether the policy underlying the state or political subdivision's use of such voting qualification, pre-requisite to voting, or standard, practice or procedure is tenuous.<sup>25</sup>

There is no requirement that any particular number of factors be proved or that a majority of them point one way or another.

## 2. the causation factor

A totality of the circumstances factor created by the courts is whether factors other than racial bias caused the white bloc voting. Courts have held that plaintiffs cannot prevail on a § 2 claim if there is significant probative evidence that whites voted as a bloc for reasons unrelated to racial animus or racial antagonism (for example, organizational disarray, lack of funds, etc.).<sup>26</sup>

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<sup>25</sup>S. Rep. No. 417 at 28-29 (footnotes omitted), *reprinted in*, 1982 U.S. Code Cong. & Admin. News. (2d sess.) at 206- 207. While the above-enumerated factors are often the most relevant ones, other factors identified as relevant by the Senate Judiciary Committee include: (1) some history of discrimination; (2) at-large voting systems or multi-member districts; (3) some history of "dual school systems"; (4) cancellation of registration for failure to vote; (5) residency requirements for voters; (6) special requirements for independent or third-party candidates; (7) off-year elections; (8) substantial candidate cost requirements; (9) staggered terms of office; (10) high economic costs associated with registration; (11) disparity in voter registration by race; (12) history of lack of proportional representation; (13) disparity in literacy rates by race; (14) evidence of racial bloc voting; (15) history of English only ballots; (16) history of poll taxes; (17) disparity in distribution of services by race; (18) numbered electoral posts; (19) prohibitions on single-shot voting; and (20) majority vote requirements. S. Rep. at 143-44 (footnotes omitted).

<sup>26</sup>*Goosby v. Town Bd. of Town of Hempstead, N.Y.*, 180 F.3d 476, 493 (2d Cir. 1999); *Uno v. City of Holyoke*, 72 F.3d 973, 981-83 & 986-87 (1<sup>st</sup> Cir. 1995).

### 3. the proportionality factor

Proportionality is another factor. Proportionality links the number of majority-minority voting districts to minority members share of the relevant population. Although “proportionality” or “rough proportionality” is not a “safe harbor” for defendants, the Supreme Court has recognized that it is a strong indication that minority voters have equal opportunity “to participate in the political process and elect representative of their choice.”<sup>27</sup>

### 4. packing and cracking

Packing and cracking can also be factors. “Packing” occurs when politically cohesive minority voters are concentrated within a district to create a super-majority, in a situation where their numbers are large enough to constitute a majority to two or more districts. At the other end of the spectrum is “cracking” or “fragmenting;” this is when minority voters are spread out over several districts so they do not amount to a majority to any one district. Packing and cracking have legal significance if minority voters effected have less of an opportunity than other voters to participate in the political process and elect the candidates of their choice.

## IV. EQUAL PROTECTION CLAUSE AND RACIAL GERRYMANDERING

Where governments feel pressure under § 2 to create majority-minority districts, they must be wary of the Equal Protection Clause’s prohibition against intentionally segregating voters based upon race. The following rules have emerged through a series of Supreme Court cases.<sup>28</sup>

The government may consider race as a factor in districting, but it cannot be the predominant motivating factor. If race is the predominant motivating factor, the court will subject the plan to “strict scrutiny” and require the government to demonstrate a government compelling government interest to support its predominant consideration of race. The government may subordinate traditional districting criteria (discussed above) to race only if there is a compelling governmental interest.

Compliance with § 2 is a compelling governmental interest (allowing predominant consideration of race), but the government must have strong evidence that § 2 liability (the three *Gingles* preconditions) is present. Even then, the government must narrowly tailor its plan —

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<sup>27</sup>*Johnson v. De Grandy*, 512 U.S. 997, 1019-20, 114 S. Ct. 2647, 2661 (1994).

<sup>28</sup>*Hunt v. Cromartie*, 526 U.S. 541, 119 S. Ct. 1545 (1999); *Shaw v. Hunt (Shaw II)*, 517 U.S. 899, 116 S. Ct. 1894 (1996); *Bush v. Vera*, 517 U.S. 952, 116 S. Ct. 1941 (1996); *Miller v. Johnson*, 515 U.S. 900, 115 S. Ct. 2475 (1995); and *Shaw v. Reno (Shaw I)*, 509 U.S. 630, 113 S. Ct. 2816 (1993).

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Re: Legal Issues  
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race may not be a predominant factor **substantially more than reasonably necessary to avoid § 2 liability**. For example, districts must still be reasonably compact because § 2 does not require the government to create districts that are not reasonably compact. On the other hand, a district created need not be the most compact (need not have the least amount of irregularity) to be least restrictive alternative.

## V. EQUAL PROTECTION CLAUSE AND POLITICAL GERRYMANDERING

The Supreme Court has recognized that political gerrymandering may rise to the level of a deprivation of equal protection.<sup>29</sup> But the burden on a plaintiff in such a case is very high. In order to prevail on such a claim, the plaintiff must demonstrate not only that the party that controlled the districting process intentionally designed the apportionment plan so as to disadvantage the opposing party, but also that there has been a disadvantage to the plaintiff party caused by the challenged scheme. A single election result will not suffice to prove the second element of such a claim.<sup>30</sup>

I you have any questions, I will be happy to answer them at our next meeting.

ebl

cc: Marc P. Hansen, Chief, General Counsel Division  
Stephen Farber, Montgomery County Council Staff Director

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<sup>29</sup>*Davis v. Bandemer*, 478 U.S. 109, 106 S. Ct. 2797 (1986).

<sup>30</sup>*Marylanders for Fair Representation, Inc. v. Schaefer*, 849 F.Supp. 1022, 1038-43 (D. Md. 1994).

## **APPROVED MINUTES**

*(Approved – April 16, 2001)*

### **MONTGOMERY COUNTY REDISTRICTING COMMISSION, 2001**

**THURSDAY, FEBRUARY 15, 2001 AT 5:00 PM**

**5<sup>th</sup> Floor Conference Room, County Office Building  
Rockville, Maryland**

#### **COMMISSIONERS PRESENT**

Shirley Small-Rougeau, Acting Chair  
Steve Berry  
Bill Sher  
Jason Tai  
Andrew Morton  
Jayne Plank  
William Roberts  
Harry Lerch  
David Davidson

#### **STAFF**

Ed Lattner, Assistant County Attorney  
Pamela Zorich, Planner, Park & Planning  
Ralph Wilson, Council Staff  
Robin Ford, Council Staff

#### **GUESTS**

George Sauer  
Peggy Erickson, Dacek Office  
Susan Lee, Subin Office

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#### **INTRODUCTIONS**

Acting Chair Rougeau called the meeting to order at 5:00 PM, and began with introductions of all of the Commission members and staff. Ms. Ford reviewed the materials given to each member, which included the commission membership list, the section of the County Charter describing the redistricting process, the appendix to the 1991 Redistricting Report, and additional information.

#### **SELECTION OF CHAIR AND VICE CHAIR**

The Commission agreed to take a brief intermission prior to the election of the Commission Chair and Vice Chair. After the ten-minute break, the Commission reconvened. Due to the absence of two members of the Commission, and the limited time for Commissioners to get to know one another, it was agreed that elections would be held at the next meeting.

#### **PROCEDURAL & ADMINISTRATIVE MATTERS**

Ralph Wilson and Robin Ford, Council staff members, reviewed the following procedural issues and policies with the Commission.

Open Meetings Policy – All meetings are under the Open Meetings Law and are therefore open to the public. The open meetings law also requires that minutes of each meeting be taken. Robin Ford will take the minutes for the Redistricting Commission.

Attendance Policies - The presence of a simple majority of the Commission constitutes a quorum. The Commission can not meet unless a quorum exists. A Commissioner who is absent from 25% of the meetings is assumed to have resigned.

Proxy Voting – The Commission agreed that proxy voting will not be allowed.

Press Communications – It was agreed that the Chair would be the public spokesperson for the Redistricting Commission. Commissioners who speak to the press should clarify that they are not speaking on behalf of the Commission, but are expressing individual views.

Name & Address List – Staff will prepare and distribute a membership list with the contact information of all Commissioners and staff members. Any corrections or updates to this list should be brought to staff's attention.

## **CHARTER REQUIREMENTS**

Mr. Wilson reviewed the Charter requirements for redistricting with the group. He noted that the Council must select the Commission by February 1, and that the Commission must consist of four members from a list submitted by each political party and one member appointed by Council. The Redistricting Plan must be submitted by November 15<sup>th</sup>. The Council must hold a public hearing on the plan, and if no other plan is submitted, the Commission plan is enacted into law.

In response to an inquiry about possible changes in precinct boundaries, staff indicated that Sarah Harris of the County Board of Elections would be invited to a future meeting to discuss precinct and other election issues with the Commission. Acting Chair Rougeau requested that where possible, staff incorporate power point or other presentation technology, as well as individual maps, to enable the entire group to see any information. Mr. Lattner also indicated that a map of current precinct boundaries is available on the Board of Elections web site.

## **LEGAL ISSUES**

Mr. Lattner outlined the three major legal issues that the Commission should consider:

- Voting Rights Act, 1965 – Bars districting that is discriminatory and that has the purpose or effect of abridging votes based on race.



- Equal Protection Clause – Prohibits predominate consideration of race in districting decisions. Race can be a factor, but not a motivating factor in determining lines.
- One Person, One Vote – This is the notion of equally populated district. In general, the population in all districts should not vary by more than 10% .

Mr. Lattner mentioned two additional issues that may come into play for the redistricting process – census data and the multiple race categories on the 2000 census – but noted that Mrs. Zorich would address those issues in her presentation to the group.

He also reviewed the redistricting requirements as outlined in the County Charter. The Charter states that the districts must meet the following criteria:

- Compact in form.
- Composed of adjoining territory.
- Made up of substantially equal populations.
- Respect for political subdivisions (municipalities), geography, shared community interests, race, and even incumbency are also factors that determine appropriate districts.

Regarding Equal Protection Clause, Mr. Lattner noted the Commission is not required to create “Majority-Minority” districts – districts in which the minority is the majority. Failure to create such districts could be illegal only in specific circumstances, which Mr. Lattner will brief the group on in the near future.

Mr. Lattner indicated that a memo would be provided updating these issues in greater detail and that reviews of recent court cases at a later meeting.

Mr. Lattner discussed Commission election rules and noted that no second is required for election of the chair, and that the majority vote prevails. He also added that the Open Meetings law does not require the Commission to allow the public to participate in its meetings. The 1991 Redistricting Commission did have several ways for the public to participate in its meetings including scheduled times for public comment at each meeting and a public hearing prior to the Council public hearing. However, those options are left to the discretion of the Commission. Mr. Lattner suggested that the Commission determine a structured method for receiving public comment. He also noted that although it is subject to the Open Meetings law, the Redistricting Commission could have closed meetings when discussing personnel matters or receiving the advice of counsel. However, there are no circumstances where the Commission will act with a secret ballot.

Finally, upon Mr. Lattner’s request, the Commissioners received copies of two memos prepared by Linda Thall, of the County Attorney’s office, for the 1991

## Redistricting Commission on Procedural Issues and on "Employee" Status of Commission Members.

The Commission also noted the detailed work of the 1991 Redistricting Commission, and remarked that this group does not have to "reinvent the wheel", but can learn from the 1991 Report and use some of its process as guides for the 2001 process.

### DEMOGRAPHICS DISCUSSION

Acting Chair Rougeau introduced Pamela Zorich, of Planning Board staff, and noted that she has previously worked with other Montgomery County Redistricting Commissions and will be extremely helpful to this Commission. Ms. Zorich provided the Commission with background information on census data. She indicated that the data the Redistricting Commission will use would be the population data from the U.S. Census Bureau, Census 2000, which will be available no later than April 1. She explained that the data the group will receive will consist of County total population, adult population, and racial, ethnic data for both adults and the total population. The Census Bureau also provides geographic line data which Planning Board staff is working to put in Geographic Information Systems (GIS) software so that this technology will be available to the Redistricting Commission.

Ms. Zorich also indicated that the Bureau is considering whether or not to release the unadjusted or adjusted census figures. (The adjusted numbers have been amended to reflect the undercount of the population - those people who did not complete the census.) Ms. Zorich also stated that the 2000 Census was the first time that individuals were able to select any combination of up to 6 racial categories. She estimates that possibly only 3% of County residents will choose to select more than one category, but that there is no certainty until the numbers are in.

Ms. Zorich also reviewed the following ways that Planning Board staff can support the Redistricting Commission:

- Provide population data at both the precinct and block levels.
- Provide data in either hard or electronic copies in various software packages.
- Provide paper maps that are convenient to work on and show layers of different types of information.
- As the Commission drafts plans on paper maps, Planning Board staff will enter these plans into the GIS system and produce high quality display maps that can be considered by the Commission, the public, and eventually, the Council.
- Provide demographic information in the form of data analysis of various trends and growth patterns of the County. For example, Ms. Zorich will soon provide the Commission with a map portraying population density within the County on a precinct level to show how residential population has shifted since the last redistricting process.
- Unique to this redistricting effort, the Planning Board is also offering access to its ArcView Redistricting Software that will enable the casual user to

visually see precinct population based on the census data categories. The software is very simple to use and may prove to be beneficial to the group.

- These display maps may also be put into transparency or PowerPoint form, and can be layered to display municipalities, special taxing districts, etc. as different colors on the display.

Ms. Zorich also added that she also has updated municipality, civic organization and special taxing districts geographical data, and will provide this information to the group. She also provided Commissioners with the Planning Board Report "Montgomery County Council District Profiles, 1997".

## **RESOURCES**

The Commission then discussed some of the additional resources necessary to start this process. Along with the census data, the group identified the following resources:

- an updated list of the municipalities, special taxing districts, and community associations ,
- precinct maps based on 1990, and eventually 2000 census,
- maps displaying population numbers by precinct, and by the current Council district lines,
- data and maps, if available, showing previous district boundaries in Montgomery County, and
- updated data similar to that on pages 7 and 8 of the 1991 Report detailing the compliance of current districts and minority populations in each district.

The Commission requested Staff to compile and send information and materials to the group prior to scheduled meetings to allow adequate time for review.

## **PUBLIC OUTREACH EFFORTS**

Acting – Chair Rougeau indicated the importance of having broad community awareness and participation in the efforts of this Commission. She requested all Commissioners to consider ideas for public outreach. The group agreed on the need to conduct Commission meetings in various areas of the County in order to allow all residents to participate. The opportunity for community involvement will clarify the redistricting process for many residents, ensure that all who are interested are able to participate and share their concerns with Commissioners, and may reduce challenges to the final draft.

Commissioners requested that Staff prepare a draft outreach strategy for their consideration. The Commission noted that as many media outlets as possible, including minority newspapers and newsletters, radio, and television, should be contacted to ensure broad community participation in the redistricting efforts. The group requested that Staff

provide the media lists used by both the Council and Executives press and outreach offices.

## **MEETING SCHEDULE**

The Commissioners selected Mondays at 4:00 PM as the meeting day and time. The group noted that meeting frequency will be determined according to the work program of the Commission. The group may initially meet monthly, but may choose to alter the meeting schedule at a later date. The Commission requested Staff to prepare a timeline for the group, working back from the November, 15, 2001 deadline to present the final report to Council. The next meeting will be held on Monday, March 19<sup>th</sup>, 4:00 PM in the Council Office Building. Staff will distribute minutes from this meeting, the membership list with contact information, and other materials as necessary to the Commission by March 12<sup>th</sup>.

## **COMMISSIONER ISSUES**

Acting-Chair Rougeau opened the floor and asked each person to share their goals, expectations, or issues with the group. Commissioners raised such issues as:

- interest in the history of Council district lines,
- clarification on the redistricting process,
- resolving any possible preliminary issues as soon as possible,
- public involvement in the redistricting process,
- avoiding some of the problems and divisiveness of the last Redistricting Commission,
- fairness in the redistricting process,
- ensuring the best result for the citizens of the County,
- planning for the changes and future of Montgomery County,
- impact of redistricting on County elections,
- the County demographic shifts.

The meeting adjourned at 6:40 PM.

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## **APPROVED MINUTES**

(Approved - April 16, 2001)

### **MONTGOMERY COUNTY REDISTRICTING COMMISSION, 2001**

**MONDAY, MARCH 19, 2001 AT 4:00 PM**

**5<sup>th</sup> Floor Conference Room, County Office Building  
Rockville, Maryland**

#### **COMMISSIONERS PRESENT**

Shirley Small-Rougeau, Acting Chair  
Steve Berry  
Bill Sher  
Jason Tai  
Andrew Morton  
Jayne Plank  
William Roberts  
Harry Lerch  
David Davidson

#### **STAFF**

Ed Lattner, Assistant County Attorney  
Pamela Zorich, Planner, Park & Planning  
Ralph Wilson, Council Staff  
Robin Ford, Council Staff

#### **GUESTS**

Sara Harris, Board of Elections  
George Sauer  
Peggy Erickson, Dacek Office  
Vilma White, Precinct Chair 13-64  
Marie Wallace, MCDCC  
Dale Tibbitts, Citizen PAC  
Lou D'Ovidio, Subin Office  
Ellen Menis, League of Women Voters

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#### **OPENING REMARKS**

Acting Chair Rougeau called the meeting to order at 4:00 PM. Prior to the meeting, Staff announced that the minutes of the February 15<sup>th</sup> meeting were sent to Commissioners via e-mail. However, some Commissioners did not receive that transmittal and therefore approval of the minutes was postponed until later in the meeting. Commissioners informed Staff of needed corrections to the address and e-mail list.

#### **PUBLIC OUTREACH DISCUSSION**

Ms. Rougeau discussed the issue of public outreach that was raised at the February 15<sup>th</sup> meeting. She shared with the Commission the e-mail flyer that was sent to people who are on the Staff mailing list. One of the observers at the meeting indicated that he had received an e-mail notification of the meeting, but wanted to know how to receive all of the information distributed to the Commissioners at each meeting. Mr. Wilson stated that anyone who completes the Observer Sign-In sheet is placed on the

Redistricting Commission mailing list and will receive information on meeting dates and appropriate meeting documents.

Mr. Davidson indicated that information on the Redistricting Commission, including meeting dates, are not listed on the Council website. It was also pointed out that this Redistricting Meeting was not listed in the Gazette or any of the local newspapers. Mr. Wilson indicated that Staff will work to get Redistricting Commission meetings listed on the County or Council website, as well as in the media outlets.

#### **SELECTION OF CHAIR AND VICE CHAIR**

Ms. Rougeau opened the floor for nominations for Chair of the Redistricting Commission. Commissioner Davidson nominated Acting Chair Rougeau and Commissioner Plank seconded that nomination. The Commission voted unanimously in favor of the nomination and elected Shirley Small-Rougeau Chair of the Redistricting Commission. Chair Rougeau opened the floor for nominations for Vice Chair of the Redistricting Commission. Commissioner Plank nominated Commissioner Morton as Vice Chair and Commissioner Roberts seconded the nomination. The Commission voted unanimously in favor of the nomination and elected Andrew Morton Vice Chair of the Redistricting Commission. At the time of his election, Commissioner Morton was not yet present at the meeting.

#### **APPROVAL OF MINUTES**

All Commissioners received the minutes and agreed to contact the Commission Chair and/or Staff with any corrections. The minutes will be approved at the next meeting.

#### **BRIEFING – MARIE GARBER, CHAIR, 1990 REDISTRICTING COMMISSION**

Ms. Rougeau stated that due to a family emergency, Mrs. Garber canceled her appearance before the Redistricting Commission, and indicated her willingness to reschedule. Staff will contact Mrs. Garber about rescheduling.

#### **BRIEFING – SARA HARRIS, ACTING ELECTION DIRECTOR, BOARD OF ELECTIONS**

Mrs. Harris discussed with the Commission how the Board of Elections will use the information it receives from the Council's Redistricting Plan. She discussed the following information:

- Visible boundaries are significant when determining the boundaries of election precincts.
- Prior to the end of each decade, there is a State required freeze on precinct changes (except in emergency situations) so there is no possibility of precinct changes occurring while the Commission prepares its plan.

- In areas that have experienced significant growth (for example Kentlands), the BOE may consider precinct merges and/or splits after the Redistricting Plan is approved.
- Population number, accessibility of polling places, visible boundaries, and voter convenience are some of the essential features considered when determining precinct boundaries. Municipal boundaries are also considered.
- Montgomery County has 227 precincts and polling places. The objective is a range of registered voters between 1,500 and 2,500. However, there are precincts with numbers of registered voters below and above that figure.
- The County has 19 municipalities and 4 special taxing districts.
- The Council Redistricting Plans have traditionally been based on entire precincts. However, the Commission does have the option of using census tracts and blocks to compile Councilmanic districts.
- The Redistricting Commission should be aware of the timeframe of the State's Redistricting process for Congressional, Legislative, and School Board districts because the State process can affect precincts and boundaries submitted by the Redistricting Commission and approved by Council. It appears that the Council will approve its Redistricting Plan before the General Assembly takes final action on the Legislative and Congressional Redistricting Plan. Mrs. Harris believes that the timing for this year's Redistricting effort differs from the 1990 Redistricting effort because it is occurring before the State districts are approved. Staff will provide the Commission with additional information on the State schedule for redistricting.
- Upon receipt of the Councilmanic Redistricting Plan, the Board Of Elections determines the impact on precinct boundaries, prepares a preliminary plan for precinct changes and forwards the its plan for precinct changes to the elected officials and central committees affected for review and comment. The BOE then makes the final decision regarding precinct boundaries.

Some Commissioners asked questions on the information presented by Mrs. Harris. The Commission raised concerns about the timing of the Councilmanic and legislative redistricting efforts. Many inquired about the possibility of the Council approving a Plan submitted by the Commission that could be altered by the legislative redistricting process. Mrs. Harris indicated that the Redistricting Commission should continue to work to meet the Charter mandated November 15<sup>th</sup> deadline, but should also be aware of the timing of the State's process. Staff will provide the Commission with further information on the timing of the State's process.

Several Commissioners inquired about the Commission's mandate to try to maintain existing communities, especially when considering municipalities that often annex land. Mrs. Harris stated that some precincts fall entirely within municipal boundaries and some are split both within and outside of those boundaries. Municipalities and/or incorporated cities have separate elections and maintain their own wards and/or precincts that they have the authority to change. The municipalities can request that the BOE consider those boundaries when determining County precincts, but

the BOE has ultimate authority on precinct boundaries. Mrs. Rougeau indicated that, for financial and logistical reasons, Rockville and other municipalities are considering aligning their elections and precinct boundaries with those of the County to take full advantage of the benefits of the BOE services.

Mrs. Harris also discussed the factors and rationale the BOE uses when determining precincts and polling places for County communities. She stated that while voter convenience is considered, other factors including population, visible boundaries, and overall accessibility also influence polling place selections. Except for extreme circumstances (for example the closing of a school), there is only one polling place per precinct. Mrs. Harris informed that Commission that the BOE had previously considered splitting the Leisure World precinct because of the large population (5,000+), but negative citizen response caused the BOE to reconsider that recommendation. She also clarified that Leisure World has four rooms that are used during elections in one polling place facility for the large precinct. Mrs. Harris encouraged Commissioners to instruct any constituents who have concerns about the locations of polling places to contact the BOE.

Mrs. Harris also discussed the difference between registered voters and populations, and pointed out that while the Redistricting Commission considers overall population, the BOE considers registered voters and the potential for registered voters. She also stated the BOE no longer completes the "five-year purge" of people who do not vote. Instead, since the passage of the National Voter Registration Act, the Board, as required by law, mails specimen ballots prior to each election and completes a process of examining the returned specimen ballots to update files with active and inactive voters. Mrs. Harris offered to discuss any further issues with Commissioners one-on-one, and the Commission thanked her for the presentation.

Mrs. Harris also distributed the following to the Commission:

- Large, color and small black & white maps displaying both Council Districts and Election Precincts
- A list of County precincts changed between 1992 and 1998.
- A list of all precincts within current Councilmanic districts. (Given to Staff to distribute to Commission.)

#### **MAPS DISCUSSION – PAMELA ZORICH**

Ms. Zorich stated that the Maryland Census data was scheduled for release today, but had not been released as she left her office for this meeting. She stated that she would have the information soon and could make it available to the Commission in various formats including paper and spreadsheets. The Commissioners stated their



preference for Excel spreadsheets and expressed that they would like to receive the Census information prior to the next meeting to allow time for adequate review.

Ms. Zorich then presented the Commission with several options for the size and scale of the maps that would serve as the base maps for each Commissioner to have and use throughout the Redistricting process. She explained that this base map will contain general County information, (i.e. major roads), and that overlay maps (in mylar form) can be created to display the criteria that the Commissioners would like to use when developing their plans. For example, an overlay containing the municipalities can be placed over the base map, but can be lifted to display other information, or other data could be placed over that layer. Ms. Zorich presented three size options (the specific dimensions were not outlined), and in order to have maps that are a convenient size to work with, but still display information clearly, the Commission selected the middle of the three options. The Commission did request that the sides of the map that contained extra white space be trimmed to make the map more convenient to work with.

Ms. Zorich then asked the Commissioners to specify what overlays were needed to facilitate the work of the group. The Commission requested initial overlays, and suggested that as they proceed with their work, they may request additional ones. Ms. Zorich and Park & Planning Staff will produce the following overlays:

- municipalities and special taxing districts
- streets
- 1990 population (in dot-map form)
- planning areas
- current Congressional and Legislative Boundaries
- stream valley parks

While there was interest in having access to a map of the County community associations, Ms. Zorich stated that, due to the number of those organizations, that information would not be helpful on a small map. Ms. Zorich has supplied Staff a wall-size map of the community associations for the group to refer to. The Commission also requested access to greater detail on the streets that make up the precinct boundaries. Ms. Zorich responded that the Board of Elections has a notebook with each precinct listed, and Ms. Ford added that the Council has a copy that the Redistricting Commission can review. Ms. Zorich also added that the Redistricting Software allows users access to the precinct boundaries and each Commissioner will be familiar with the software after the presentation at the next Redistricting Commission meeting.

Regarding the Redistricting Software, Ms. Zorich explained that the software is actually a module that works with ArcView software, which is a fairly common GIS software package. The Redistricting module is free to download, but relevant census information must be included in order to utilize the software. If any Commissioners have the ArcView software on their personal home computers, the Planning Department will supply the Redistricting module for home use. In response to Commissioner inquiries, Ms. Zorich will investigate the cost of the ArcView package and the possibility for

getting additional licenses for it. Mr. Dale Tibbits, an observer of the meeting, stated that the cost for ArcView is approximately \$1,000.

For Commissioners who do not have the ArcView software, there are workstations at both Park & Planning Headquarters and at the Council Office Building, specifically in Ms. Ford's office. Commissioners are encouraged to contact Ms. Zorich and Ms. Ford, either individually or in groups, to schedule time to use either workstation. There is one workstation at the COB, and there are several at Park & Planning and both have access to large scale, color printers that would enable Commissioners to create draft maps. Access to the workstations is also available after business hours at Park & Planning.

Some Commissioners requested a meeting to introduce the software, and Ms. Zorich confirmed that presenting the software and the Montgomery County census data were the two major agenda items for the next Redistricting Commission meeting. Also regarding the Redistricting software, Ms. Zorich explained that any of the layers and criteria requested for overlay maps would be available with the software package as well. She also stated that, because Park & Planning does not support Apple/Macintosh PC's, she does not know whether or not ArcView and the Redistricting software will run on them. She reiterated that the program is very convenient and that users can simply point and click and add or remove precincts from proposed districts, and see the results immediately on an accompanying map. The program also keeps count of precinct population numbers so that as a precinct is added, the increase of population for the proposed district is immediately updated.

## **MEETING SCHEDULE**

**The next meeting on the census information and the software will be on April 16<sup>th</sup>, 4:00 PM, at 8787 Georgia Avenue, Silver Spring, 1<sup>st</sup> Floor Auditorium.**

Mr. Morton stated that the early, 4:00 PM meeting time might not be convenient for each meeting. The Commission agreed to determine the times of each meeting monthly, and noted that the Public Hearing will be later in the evening.

## **COMMISSION WORK PROGRAM AND SCHEDULE**

With the ultimate deadline of November 15, 2001 mandated by the County Charter, Staff reviewed the timeline of the previous Redistricting Commission and prepared a draft work schedule and meeting timeline for this Commission to consider and revise. Ms. Ford also pointed out that finalizing as many meeting dates as possible would assist with the public outreach effort by enabling all interested parties to get Redistricting Commission meetings on their agendas. Staff reviewed the proposed dates with the Commission, and also briefly discussed the purpose of each meeting and suggested that this serve as a "road map" to keep track of the progress made toward presenting a final plan.

Mr. Davidson pointed out that the suggested meeting date of September 17<sup>th</sup> conflicts with the Rosh Hashanah holiday and will not be appropriate for a public hearing. He also added that October 1<sup>st</sup> is not a good meeting date. The Commission agreed to review this draft timeline, and come to the next Redistricting Commission meeting prepared to revise and finalize the timeline, so that the Commission's schedule will be set.

The Commission Chair requested each Commissioner consider the format for developing first drafts of any Redistricting Plans. She raised the idea of forming teams (possibly based on districts) to create drafts, but did not recommend this format. She noted that Commissioners could submit plans individually. She requested that Commissioners come to the next meeting with preferences and/or suggestions on how the group should conduct its work. Mr. Lattner pointed out that Commissioners meeting and working in teams made up of a majority of the full group without convening a full and public meeting would be a violation of the Open Meetings Act.

## **LEGAL ISSUES**

Assistant County Attorney Lattner reviewed the legal memo he sent to Commissioner's updating the legal advice given to the 1990 Commission. He again outlined the three Charter requirements for any proposed districts. They must be compact, made of adjoining territory, and be substantially equal in population. He explained that the courts have ruled that equal population is guided by the "10% rule". The number of districts (5 in the case of Montgomery County) must divide the total population and that figure represents the ideal population of each of the five districts. That ideal figure may not always be attainable, but the sum of the percentage variation from the ideal of the most populated district and the percentage variation from the ideal from the least populated district must be less than 10%. Mr. Lattner pointed out that the previous Commission's Redistricting Plan was well below the accepted 10 % variation.

Political subdivisions, shared community interests, and geography are other factors that the Commission considers. Mr. Morton clarified that for redistricting, compactness is very broad and only means that the district must not be drawn with disruptive lines that resemble a 'bug splattered on a window.' Mr. Tibbits also added the compactness could be determined through various ratios comparing the area of the districts to the circumferences of surrounding areas. Mr. Lattner stated that anticipating population growth should not be as high a priority when developing a plan as those outlined in the charter, but may be considered by the Commission. The Commission further discussed the factors in achieving acceptable population figures.

Mr. Lattner's memo details the Commission's responsibility to abide by the Voting Rights Act. Details regarding these issues can be found in Mr. Lattner's memo dated 3/12/01. Mr. Lattner stated that the repeated election of Councilman Leggett does not impact the County's conformity to the Voting Rights Act at the district level because he is elected at large and the Act pertains to districts. Chair Rougeau stated that

Montgomery County does not have certain areas that are heavily populated with minorities, but rather that minorities are dispersed throughout the County.

#### **ADDITIONAL BUSINESS**

Mr. Tai suggested that the timeline include a public outreach session or an early public hearing to receive public input at the beginning of the redistricting process so that the community is not left out of the early stages. The Chair stated that the Commission has already agreed to accept public comment at each Redistricting Commission meeting, but stated that the Commission must establish a format for this process to ensure order at the meetings. It was also pointed out that the previous Commission held meetings at various locations around the County, and that individual Commissioners spoke to community organizations upon request. The 2000 Commission will also conduct those types of outreach efforts. Staff also asked Commissioners to come to the April 16<sup>th</sup> meeting with possible suggestions for locations for any of the Redistricting Commission meetings. It was also noted that there are stages of public involvement, and that nothing brings out public comment more than a proposed plan. Mr. Tai agreed with those statements, but reiterated the need to have an initial forum to take suggestions from the community.

The Commission meetings will also be posted on the Council internet site and in newspapers and public places. Staff also stated that any letters received would be distributed to the full Commission. Dale Tibbitts, an observer representing Citizen Political Action Committee, introduced himself to the Commissioners and stated that he lives in Silver Spring and is also a Redistricting professional.

The meeting adjourned at 6:00 PM.

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## **APPROVED MINUTES**

*(Approved May 14, 2001)*

### **MONTGOMERY COUNTY REDISTRICTING COMMISSION, 2001**

**MONDAY, APRIL 16, 2001 AT 4:00 PM**

8787 Georgia Avenue  
Silver Spring, Maryland

#### **COMMISSIONERS PRESENT**

Shirley Small-Rougeau, Chair  
Andrew Morton, Vice Chair  
Bill Sher  
Jason Tai  
Steve Berry  
Jayne Plank  
William Roberts  
Harry Lerch  
David Davidson

#### **STAFF**

Ed Lattner, Assistant County Attorney  
Pamela Zorich, Planner, Park & Planning  
Ralph Wilson, Council Staff  
Robin Ford, Council Staff  
Walter Robinson, Park & Planning GIS

#### **GUESTS**

Dale Tibbitts, Citizen PAC  
Peggy Erickson, Dacek Office  
Joy Nurmi, Praisner Office

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#### **OPENING REMARKS**

Acting Chair Rougeau called the meeting to order at 4:00 PM, and suggested that the Commissioners introduce themselves for the benefit of any guests at the meeting. After Commission introductions, guest Dale Tibbitts with the group Citizen PAC introduced himself to the Commission and Staff.

#### **APPROVAL OF MINUTES**

After informing Staff of final, minor revisions, the Commission unanimously voted to approve the February 15, 2001 and March 19, 2001 meeting minutes.

#### **PUBLIC OUTREACH UPDATE**

Staff distributed and reviewed the press release and web posting containing Redistricting Commission information, stating that additional information, such as meeting dates, can be posted on the internet site as requested. (Redistricting information can be found on the internet at [www.co.mo.md.us/council/](http://www.co.mo.md.us/council/).)

Ms. Ford also explained that the list of community organizations mailed to the Commission would serve as the mailing list for those who will receive Commission

information. People who sign-up as guests at Redistricting Commission meetings will also be included on this mailing list. Commissioner Plank suggested that municipalities are included on that list, and offered her personal copy of the Directory of Maryland Municipal Officials, 2000 for Staff reference. Staff asked Commissioners to suggest any other groups or individuals that should be added to the Commission's mailing list.

## **2000 CENSUS DATA DISCUSSION**

Ms. Zorich from Park & Planning reviewed her memorandum dated April 9, 2001 that was sent to all Commissioners via e-mail and U.S. Mail. Specifically, she re-stated that the official 2000 County population is 873,341. This is an overall increase of 15.4% (116,320 people) since 1990. Based on population numbers only, five Council districts each containing 174,668 people would produce equally populated districts. The population distribution among current Council districts is below:

District 1	166,689
District 2	192,764
District 3	179,075
District 4	167,556
<u>District 5</u>	<u>167,257</u>

TOTAL	873,341
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Ms. Rougeau inquired about the possibility of errors in the data relating to inaccurate figures for Takoma Park that was reported in the media. Ms. Zorich stated that there is an official census program that will begin in the summer to address concerns regarding possible undercounts, but at this point, this data is the official census release. The data available in the first release includes precincts, race, adult and total population. Ms. Zorich distributed maps to Commissioners and guests displaying the following information:

- 1981 and 1991 Council districts.
- Several maps displaying County Racial Data

The maps distributed will be posted on the M-NCPPC website in the near future. Ms. Zorich requested that Commissioners inform her of any additional maps that would assist in preparing the final plan.

Ms. Zorich also reminded the Commission that the Redistricting Plan submitted by the 1991 Commission was modified by the Council and is not what the Council finally approved. The Council shifted two precincts from the 1991 Redistricting Commission's proposed plan.

The Commission discussed the Census data release, and inquired about the correct way to interpret the data maps. Specifically questions were raised regarding the racial data, because residents were able to select more than one race for this Census. Ms. Zorich noted that the highest percentage of Blacks in any one County precinct is 58%, highest percentage Asian is 42%, and highest percentage Hispanic is 53%.

## **ARCVIEWGIS REDISTRICTING SOFTWARE**

Walter Robinson, from Park and Planning's Research and Technology GIS staff, conducted a brief introduction and demonstration of the ArcView GIS Redistricting Software. He distributed a manual on the program to all Commissioners. In summary, Mr. Robinson highlighted the tools and features of the Redistricting Software and demonstrated how it can simplify creating various redistricting plans. The Software incorporates Montgomery County census population data, and allows users to create districts based on the target population number of 174,668. One of the major benefits of the program is that it allows users to incorporate various themes, or levels of data, into the creation of redistricting plans. Population race, municipalities, major roads, 1991 approved districts, precincts, and the homes of current Council members are all data sets that can be used to determine Council districts.

Mr. Robinson stated that once users were familiar with the basic tools of the software, actually creating draft plans was not that difficult or time consuming. In fact, this software makes it possible for users to prepare several draft plans in a short period of time, and provides the supporting information (maps, statistics tables, formatted reports and bar graphs) that clearly portray the underlying data of each draft plan.

Park and Planning Staff also discussed the process for saving and submitting draft plans to the full Commission. Ms. Zorich encouraged all Commissioners to save all plans, either on disk or in a folder created at the workstation. Up to two plans can fit on one floppy disk, and the plans can be distributed by e-mail. Park and Planning staff will formally name the plans and place them in some standardized format for Commission consideration. Park and Planning Staff will also prepare maps to facilitate discussion of the various plans.

**When submitting plans to Park and Planning Staff, Commissioners should include a list of the precincts by district. If possible, the list should be in Excel format, but other computer formats or typed precinct lists will be accepted. Commissioners must submit any plans (created with the software or by another means) at least one week prior to the next meeting, to enable Park & Planning Staff ample time to format and prepare plans for the meeting.**

## **BASE MAPS & OVERLAYS**

Although the software may be a more convenient way to view Census data and create plans, Park & Planning Staff has also produced a set of map overlays displaying

data that the Commission requested at its last meeting. Ms. Zorich provided each Commissioner with a base map of County precincts, and several, transparent overlays that can be used with the base map. This information is consistent with the information contained in the GIS software program. The overlay maps distributed are:

- Municipalities and Parks
- 1991 Council District Boundaries
- General Assembly Boundaries
- 2000 Population Density (dot map)
- Total Population by Precinct
- Planning Areas

Ms. Zorich agreed to provide additional layers if the Commission requested them. Mr. Dale Tibbitts pointed out that the Census has a 'place level' data layer that is the Bureau's best approximation of where certain communities and areas are located. He stated that this might be helpful to the Commission. When asked about data for registered voters, Ms. Zorich stated that that information is not currently included in the GIS software program, but could be added upon the Commission's request. Mrs. Rougeau distributed County March, 2001 voter registration data, obtained from the Board of Elections web site, and **requested that Park & Planning Staff create a bar graph displaying the number of registered voters for each Council district.** Mrs. Rougeau pointed out that all Commissioners can access the BOE's site for updated voter registration information.

#### **COMMISSION WORK PROGRAM AND SCHEDULE**

Regarding rescheduling the presentation by Marie Garber, Chair of the 1991 Redistricting Commission, Mr. Wilson indicated that Staff would contact her, and if possible, schedule her for the May 14<sup>th</sup> Meeting.

The Commission discussed the draft meeting schedule and made revisions to the schedule distributed at the April 16<sup>th</sup> meeting. **The May 14<sup>th</sup> and June 4<sup>th</sup> meetings were rescheduled from 4:00 PM to 7:30 PM.**

The Commission again considered locations for holding future meetings, including the County Regional Service Centers. Commissioner Roberts stated that it might be more appropriate to hold the Commission worksessions at the Rockville location, which is central to the entire County, and has the meeting space and technology that the Commission will require. He indicated that once plans are conceived, the Commission should receive feedback from County residents, by holding meetings in various areas of the County, and by conducting a public hearing.

The following motion by Commissioner Roberts was approved (8-1):



*For the time being, the Commission should schedule all meetings for the Rockville location. If the Commission produces draft plans that are ready for public comment significantly earlier than the scheduled public hearing date, then it will be appropriate to hold Redistricting Commission meetings at locations around the County.*

Regarding the time for Redistricting meetings, Commissioner Morton expressed support for holding meetings either early in the morning or later in the evening. **The Commission concluded that the May 14<sup>th</sup> and June 4<sup>th</sup> meetings will be held at 7:30 PM, in Rockville. Mrs. Rougeau stated that the time for the meetings after June 4<sup>th</sup> will be set at the May 14<sup>th</sup> meeting, and requested that Commissioners review individual schedules and be prepared to select time for the next scheduled Redistricting Commission meeting at the next meeting.**

#### **ADDITIONAL BUSINESS**

##### *Maptitude*

Mrs. Rougeau mentioned that the State is using Maptitude software for the legislative redistricting process, and stated that Commissioners can follow that process via the internet, to remain aware of any decisions that may impact County redistricting.

##### *Special Invitation to Council Members*

Commissioner Roberts noted that during his tenure on the Montgomery County Charter Review Commission, the group invited Council members to come and express their priorities for amendments to the Charter. Mr. Roberts indicated that this was especially useful in that it avoided the Commission proposing Charter Amendments that were not supported by the Council. He suggested that the Redistricting Commission consider inviting Council members to a Commission meeting to allow them to express any concerns or issues that they would like to Commission to consider.

Mr. Wilson commented that there is value to the Commission in working independently and then, as outlined in the Charter, the Council will have an opportunity to point out any concerns and revise the plan. Vice Chair Morton also pointed out that since there are Commissioners who represent each Council district, Commissioners can speak individually with the Council members from their districts and bring any issues or concerns of the Councilmember back to full the Redistricting Commission. Mr. Tai agreed that a more informal approach, such as speaking individually to the Council members is a better approach, because the general idea for creating independent, citizen commissions is to remove the politics from the work of any particular Commission, and to minimize the influence of the legislators until the final product is officially released.

**The Commission agreed that a letter offering an open invitation would be sent to all Councilmembers, the County Executive, the Chief Executives of all**

**municipalities, and umbrella community organizations to attend Redistricting Commission Meetings.** Mrs. Rougeau indicated that she would draft the letter and that Staff will send it to the recipients. The letter will also include the address for the Commission's website, and mention that the Commission accepts draft plans submitted by non-Commissioners.

#### *Public Information*

Mr. Tibbitts asked for information on the procedure for non-Commissioners to submit draft redistricting plans for possible consideration by the Redistricting Commission. Mrs. Rougeau responded that any plans can be sent to Commission Staff and Staff bring them before the Commission. Mr. Tibbitts also inquired about receiving all of the materials that are distributed to the Commissioners. Specifically, he asked about having access to the data from Park and Planning that was discussed at this meeting. Mrs. Rougeau responded that it is the Commission's policy to inform anyone who has signed up on the Commission mailing list of the location and topics of upcoming meetings. Ms. Ford stated that the cover memo prepared by Pamela Zorich was intended for the Commissioners, but that the data was 2000 Census data that will soon be posted on the Park and Planning website. **The Commission also directed Staff to send the meeting packets prepared for Commissioners to all that request them.**

#### **MEETING SCHEDULE**

**The next meeting will be held on May 14<sup>th</sup>, in the COB 5<sup>th</sup> Floor Front Conference Room, at 7:30 PM.**

The meeting adjourned at 6:27 PM.